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## 3. Certified by the profession.

Certified police specialists: Juvenile officers, investigators in morals, homicide, probation, parole, burglary, special services, and others.

## 1. Five years of police science education in the officer's specialty.

## 2. Patrolman, or other police experience, as the profession would require.

## 3. Certified by the profession.

Certified patrolman: Foot patrol, officers, cruiser car officers, and others who deal with citizens on a face-to-face relationship.

## 1. Four-year B.S. degree in police science.

## 2. Certified by the profession.

Noncertified police personnel: Parking meter maids and others, guards in jails, etc., where the officer is not required to arrest persons on a face-to-face relationship.

## 1. Two years of police education in the specialty.

## 2. Certification by the profession.

Insofar as police administrators are concerned, the profession may decide to break down cities and counties according to population and classify them as class A, B, or C, whereas a certified patrolman might serve as an administrator in a small class C community, but it is suggested that one not be allowed to enforce laws on a face-to-face relationship if he is not at least a certified patrolman. Even these standards will probably have to be raised in the future, but this seems to be at least a starting point.

With the above academic standards, soon will come police State licensing, as is true with other professions, where competent officers will be able to move from one State to another if they so desire. Eventually the politically elected and appointed officers will either become professionally trained, or the public will demand that these positions be staffed with certified personnel by examination or other similar means.

It is suggested that while professional status is necessary, and in fact imperative, that local law enforcement officers never become unionized. The police officer owes his allegiance to his local, State, and Federal Government, and to the citizens he represents, and no professional or other organization should have control over his duties, responsibilities, or loyalties. We must guard against police strikes and walkouts, and against personal political use of police agencies. This is one of the basic reasons some social scientists refuse to do research in police standards. They fear a national police organization. This certainly is blind reasoning. We cannot close our eyes to the plight of the local enforcement in dread of it becoming overly organized and too powerful. While we are marking time and debating what not to do, local enforcement is falling further and further behind the rising crime rate. While it is true that even the most qualified and competent police in the world could not completely erase the frightening crime problem in this society, a much better job of law enforcement can be done by trained police officers than is being done today by nonprofessional officers.

As soon as certification of police is discussed, immediately one hears that this is impossible due to the fact that over 95 percent of present-day officers could not certify. How, they ask, can we solve this crucial problem? This problem is probably not as knotty as some, especially presently employed officers, would have us believe. Those who hold tenure in law enforcement agencies when certification becomes a reality, should be required to attend police science schools, in-service training programs, and the various FBI seminars periodically to remain employed, and thusly would receive blanket certification. To ascertain that police science programs would be available to those young men and women who seek a career in law enforcement, and those who must attend to retain employment, police science curricu-

lums should be instituted in every tax-supported junior college, college and university in the land. The expense of these schools would be greatly offset by each State receiving far better law enforcement, and the birth of a profession called law enforcement. While the above general description of a police certification system may not be all inclusive, it may encourage the readers to suggest others. Other systems may be more effective and practical, but to deny that some type of certification is not necessary to attempt to bring local enforcement up to a professional status is naive indeed in the face of evidence that this forgotten and neglected discipline is quite out of step with the modern times. It simply cannot compete if it must depend on nonprofessional manpower assigned to professional duties and responsibilities.

The extremists on the political right maintain that social scientists who investigate police competence intend to destroy the agencies of law so that enemy governments may take over this Nation. The ultraliberals on the left blatantly attack criminologists concerned with police efficiency, and the police, as being Gestapo instruments of a totalitarian government. They serve to frighten away dedicated social science investigators, and further, serve to confuse the public. As a result, local enforcement slips further and further behind the accepted professions, lost in a sea of misunderstanding and confusion, while crime continues to rise and the citizen continues to lose more confidence in the police system.

To sum up: The time most certainly has come for this society to face up to the problem of an inadequately educated and trained local law enforcement system. California's emphasis on police science education should become a national emphasis, and some system of police certification and licensing is almost imperative. Safeguards against police unionization should be instituted, and city, county, and State citizens in every city and hamlet in this Nation should become interested in assisting local law enforcement to reach a high level of professional status. Local enforcement is helpless to reach this hoped for height itself without the aid of every public-minded citizen in the land. Certainly the road to police professionalization is a long journey, but we must begin this journey a step at a time whether we care to or not, or certainly social chaos will result in this society in the next few decades.

## Rules of Warfare in Vietnam

## EXTENSION OF REMARKS

OF

## HON. JOHN R. HANSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1966

Mr. HANSEN of Iowa. Mr. Speaker, firepower and mobility are the chief advantages over the enemy in Vietnam.

Business Week magazine said recently:

Backed by great firepower U.S. military officials believe the strategy they have devised eventually will cause the Vietcong and North Vietnam to give up the fight. Administration officials proclaim the tide has turned in our favor, and statistics—kill ratios, offensive actions initiated, enemy defections, and other back their claims.

This informative article will interest my colleagues who may have missed seeing it and, with permission given, I place it in its entirety in the Record at this point:

## VIETNAM: CHANGING THE RULES OF GUERRILLA WAR

(NOTE.—Using massive firepower, total control of the air, and instant mobility of ground forces, Americans are confounding Communist theories—and conserving United States and allied lives.)

Substituting materiel for manpower wherever possible the United States is fighting the Vietcong with massive firepower—on the ground and from the air. For example:

U.S. forces are using up small arms ammunition at an annual rate of 1 billion rounds, bombs at a rate of 1.8 million, and 2.75-inch rockets, fired mostly by helicopters, at the rate of 4.8 million.

Helicopter sorties are being flown at the rate of 125,000 a month—up from 60,000 in the middle of 1965 and 19,000 in 1964.

Tactical aircraft attacks in South Vietnam jumped to a monthly average of almost 13,000 last December, from 1,200 in 1964.

B-52 bombers have been dropping about 6,000 tons of bombs a month on enemy targets since last July.

This use of firepower has raised the cost of killing an enemy soldier to unprecedented heights. But it is saving American and South Vietnamese lives.

## GETTING AROUND

Coupled with firepower, the other chief American advantage over the enemy is mobility. The United States has 1,600 helicopters in Vietnam, many armed with machine guns, rockets, and grenade launchers.

In the rice-rich Mekong Delta, you can see how this added mobility—as well as additional men—has changed the war in the last year. General Quang, who has been putting his IV Corps on the offensive for the past 2 months, says: "I have no more men now, four battalions per regiment. I have the choppers. Now I can lift a division from Vinh Binh to An Xuyen to trap a Vietcong force and still be sure that I can get back to defend Vinh Binh if it's attacked."

Since the battles of Pleime and the Iad-rang Valley in November, the enemy has tended to avoid large-scale offensives. By contrast, United States and South Vietnamese troops have been moving with increasingly boldness into enemy strongholds never before attacked from the ground.

Yet the size of the Vietcong force continues to grow, and infiltration from the north has stepped up, North Vietnamese regulars have employed a 120-mm. mortar, indicating a buildup of heavier weapons.

## I. GUERRILLA PLAN

The enemy still appears to be holding to phase 2 of the classical guerrilla-warfare scenario laid down by Chinese leader Mao Tse-tung: fighting in widely scattered areas in an attempt to force the opponent to divide up his forces and thus create a stalemate. Thus, at the old city of Hue in the north, a Vietcong company attacked on January 20 for the first time in 10 years. Eight houses were knocked out, two children killed, and eight civilians wounded. The number of Vietcong main force battalions in the Province has doubled since last September—and there's now a North Vietnamese regiment.

Meanwhile, the Communists are regaining the capability of testing for phase 3 operations—a general offensive. In Saigon, there's some expectation enemy forces might concentrate their forces in an attempt to overrun a major city near the 17th parallel, or try again to cut the country in two and then sue for peace in hopes of moving their frontier one jump closer to the coveted delta region and Saigon.

## The odds lengthen

But successful guerrilla forces of the past never had to cope with the firepower, mobility, and mechanical killing power made possible by modern technology introduced by the United States.

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based on intensive public-police public relations on a National, State, or local level to inform the public of the citizen's duties and obligations in regards to the law; and most important of all, local enforcement nationally, has also fallen into the shallow reasoning that law enforcement is a semiskilled vocation instead of a profession. In addition, too many police administrative officials still hold to the wornout theory that "experience is the best teacher," and that police science education and training is not nearly as important as police experience. True, some States, notably California and Oregon, have instituted police science degree programs in their junior colleges and colleges, but they are in minority in regards to the national scene. Experience cannot teach an officer all the State, local, and Federal laws he is required to know and enforce. Experience cannot teach him entirely the complex innovations in criminalistics (microscopic and spectrographic evidence, fingerprinting, handwriting, firearms, etc.) which are so important in the detection and the apprehension of modern criminals who, studies indicate, show every indication of being as proficient, if not more so, in their illicit vocations than is the local officer in the legal profession he represents. And most of all, experience cannot teach the officer criminology, psychology, and sociology which are so important in the understanding of human behavior. A person with a BS degree in police science, coupled with a few years of police experience, can replace two or more uneducated and untrained officers, and in so doing he would do a far more effective job than they. Law enforcement is so complicated that if we insist on staffing it with unqualified applicants, much criminal behavior will remain undetected, and the civil rights of us all unprotected, by policemen who do not even understand many of these rights themselves.

Thanks to the distinguished FBI, and its eminent director, John E. Hoover, local law enforcement has improved considerably over the police corruption it knew during the heyday of the gangsterism of the 1920's and 1930's. The many periodic police seminars nationally, and the FBI Academy (at no charge), have kept local officers abreast of modern innovations in crime detection and prevention.

While some State and local police nationally are well qualified, they are in the extreme minority. Less than 2 percent of the police agencies nationally require a college degree in police science and in fact the vast majority have no educational or training requirements. This is quite apparent when one observes many of those who hold local police positions. Some retain their positions during the pleasure of the mayor or sheriff and others due to some sort of examination. One wonders, however, if the typical police examination does any screening at all when he observes many mediocre officers who pass them, or in fact who even receive high evaluations on them.

It is interesting to note that the Mafia and other professional criminals are afraid of the apprehension and conviction abilities of Federal officers and "steer clear" of Federal violations. However, they have no qualms in violating State laws; even murder. Sometimes they ice-pick their victims to death, sometimes they encase them in cement and drop them into waters, on occasions they shoot them in public places or even in the victim's own home, and on other occasions they dynamite them to death in cars, but seldom are these killers even apprehended, let alone convicted. The underworld is so aware of the efficiency of Federal officers that it deals most harshly with its members who violate Federal laws for personal benefit. Murder in most cases is a State law violation. When local enforcement becomes a profession, the professional criminal will

then fear and respect the local officer as he now does the Federal, and the whole Nation will benefit as a result. Furthermore, the frightening rise in delinquency, which is increasing about 8 percent per capita faster than the population growth, will be more controlled than it is today. Of course, we know that even if local officers were as well qualified as the FBI, we would still have much criminality until those social problems which create criminality are solved.

Recent State and Federal court rulings, which have turned loose proven guilty murderers, etc., indicate that local officers must become proficient and trained, and this training must come soon. In almost all of these cases, the accused person's individual rights were violated by the officer, either because these rights were disregarded, or even unknown to him. In either case, the courts will not allow policemen to obtain their evidence in illegal manners in the future. Rather than weakening law enforcement by these decisions, the author sincerely believes that instead these rulings demand that local enforcement become a profession, staffed by highly skilled technicians who know more about the laws they enforce than do the citizens they arrest. This is not necessarily true today.

While this society has seen fit that lawyers be thoroughly trained and educated in the law, it has naively believed that anyone was competent enough to enforce the law without extensive professional training or education. Whereas, the district attorney (who is always a lawyer) may have hours, days, weeks, or even months to ponder over his interpretation of a given law violation, the typical policeman is many times forced to make his decision on a split second at the scene of a crime. How many innocent persons have had their reputations ruined by a false charge, and how many petty violators have been charged with more serious violations than they deserved, can never be determined, but they must have been legion since the average officer of the law in the Nation is not professionally competent. Due to, again, a negative stereotype we hold toward law enforcement, qualified young men do not seek enforcement careers, however, those who seek psychological enhancement do not have these same qualms. Too many police applicants (many of whom fortunately are denied police positions) seek the power and prestige of the badge. To some unstable personalities the badge makes up for all their real or imagined shortcomings. They may have been denied normal associations with others, but with the badge they know they will become the center of attraction. They may have had a mediocre education, but the badge will make them as important and respected as those who have graduated from the prestige university. While we may have some officers in enforcement today who sought police work as a personality crutch, they are in minority nationally among our dedicated local officers. Law enforcement is too important in a democracy for it to become a "catchall" for social misfits who seek self-realization through police authority.

It is interesting to note that it is not only the typical citizen who thinks that law enforcement exists only for the punishment of criminals, but this is also believed by the average local police officer. Law enforcement is designed not only for the detection and repression of criminal behavior, but for the protection of the individual rights of citizens as well. This is another reason why it is so extremely important for the officer to receive education as well as training. Civil liberties are so important in a democratic social order that we cannot allow this crucial profession to further wallow in a maze of community indifference. The lawyer is thoroughly trained and educated before he begins to practice law. Therefore,

it stands to reason that the police officer should be trained and educated before he enforces the law. Since the officer is expected to be a first aid expert, father confessor, social scientists, and even a judge, it appears to this author that we are expecting "boys to perform men's jobs" if we further disregard local law enforcement, and the plight of the local law officer.

Some theorists maintain that we cannot afford to pay attractive salaries which will attract educated, interested, and otherwise qualified applicants. This certainly is shallow reasoning. Since the enforcement of laws exists for the repression of crime and the protection of the innocent, as well as the maintenance of law and order, we are quite ambiguous when we guarantee individual rights in this democracy, and then employ nonqualified persons in law enforcement to assure the citizenry that these rights will be safeguarded. Since over 90 percent of all the scientists the world has ever known are living today, and they have discovered more new scientific innovations in 20 years than have been invented in the previous 2,000 years, we can expect a highly educated and technically advanced social order in the next few decades.

Can nonprofessional persons enforce laws in a highly complex, technical social order? A qualified police officer will deter more crime, detect more criminals, better understand civil liberties, and better protect innocent citizens than the present untrained officer, and he will pay his own way in many ways. When we are in need of the services of a lawyer, we seek a lawyer who is known for his skill and abilities in the complex area of laws and their interpretations. It is odd that we do not place as much emphasis on law enforcement which is every bit as complex, and certainly just as important as law interpretation. Comment was earlier made concerning the American belief that physical size was the most important qualification for law officers. In fact, the ability to defeat others in physical combat, or extreme athletic ability, for too long have been the only standards of measurement for police applicants in far too many local and State police agencies. Certain height and weight requirements may be desirable in some police positions, but complete dependence upon huge physical size certainly is a poor manner of determining the competency of law officers. One sometimes wonders how many brilliant and otherwise qualified young men were denied law enforcement careers because they were 1 inch or thereabout too short. True, physical standards are important, especially sound physical health, but there are other qualifications which are just as important if one is to enforce laws adequately and fairly.

Some critics maintain that academic standards will not assure that local enforcement will reach professional status, and that, again, police work is practical in nature and must be learned through "practice." We do not allow lawyers to practice on the public until after they receive their professional education, and we should not allow law officers to receive all their training in this manner. Too many individual rights are trampled upon by police officers who have been employed for many years and who have received all their "education" through "police experience."

For several years the author has written national articles for police and criminology journals setting down what he thought were minimum standards if local enforcement was to become a profession. He briefly presents them in this article, hoping for comment and action from SR readers.

Certified police administrators: State police heads, chiefs of police, sheriffs, and others.

1. Five years of police science education.
2. Police experience as the profession would deem necessary.



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Air power—once ridiculed as unsuited to guerrilla-type warfare—has had a major impact on the war. A cardinal tenet of guerrillas is not to fight at unfavorable odds; air power stacks the odds against them. It also increases the difficulty for guerrilla units, which hide out in dispersed groups, to concentrate for a major attack.

From all indications the B-52 raids, which rain enormous tonnages of bombs down in pattern strikes on jungle redoubts day and night, deprive guerrillas of sanctuary and have severely damaged their morale. Each B-52 carries more than 50 750-pound bombs.

## II. TESTING GROUND

In terms of weaponry, Vietnam is putting to test a broad range of jet-age equipment never before used in a shooting war—but not all of it is working as well as hoped. Defoliating agents are being used to kill vegetation and expose jungle trails, and to destroy rice crops in enemy territory. But they have been found to have only limited capability against the double-canopied jungle growth common in Vietnam.

A number of supersonic jets—including the McDonnell F-4, the Grumman A-6, and the Douglas A-4—are getting their first workouts under fire. American planes have come up against Russian-built surface-to-air missiles in North Vietnam and only 11 have been knocked down since the air strikes began a year ago. U.S. pilots have found they can avoid them by flying in low to escape radar detection.

## Out of mothballs

At the same time, the war has shown that conventional antiaircraft fire can be effective against high-speed jets, particularly if the guns are radar directed. U.S. jets carry little armor plating and are so crammed with electronic gear that even a partial hit can be severely damaging. The U.S. has lost 275 tactical planes to conventional enemy ground fire—a low rate considering the large number of sorties.

But the impact has been great enough to cause the U.S. Army, which had ditched the antiaircraft gun in favor of air defense missiles, to decide to bring guns back. It is breaking out old 40-mm. guns from stockpiles and converting the General Electric 20-mm. Vulcan rotating barrel gun used on attack planes to an antiaircraft role.

Helicopter losses have been phenomenally low—one for every 13,000 flights. But of the 177 choppers lost last year only 76 were from hostile action, indicating a high rate of accidents and mechanical failures. And the low loss to enemy action must be weighed against the fact that the enemy has no air power to challenge the helicopter fleet.

## New and old

Heavy jungle cover also has lessened the impact of napalm and explosive bombs in killing enemy troops. Now the Air Force is shifting to the "Hays Bomblet," which does not arm itself until after it penetrates upper levels of jungle growth and then spreads shrapnel.

In some cases, the military has turned the clock backward to get effective weapons. A fleet of C-47s, some of the oldest planes still flying, has been armed with machine guns that spew out 7.62-millimeter rounds at the rate of 18,000 a minute to provide an aerial firing platform that can remain airborne far longer than any fighter to support ground troops.

The Navy, suddenly faced with the necessity of fighting on rivers and in swampy areas, is buying and arming small plastic boats originally designed for pleasure use. It is considering purchasing air boats similar to those used in the Florida Everglades.

## Winners and losers

Two developments have proved highly successful in Vietnam. They are helicopter-borne grenade launchers that can hurl 300

fragmentation grenades a minute at the enemy, and interlocking aluminum blocks that can be laid quickly to provide an "instant airfield" capable of accommodating jet attack planes.

But there have been some other disappointments. The Bullpup air-to-ground missile has not been as effective as hoped in blasting bridges in North Vietnam, although the B model now in use is an improvement.

Backed by great firepower, U.S. military officials believe the strategy they have devised eventually will cause the Vietcong and North Vietnam to give up the fight. Administration officials proclaim "the tide has turned in our favor," and statistics—kill ratios, offensive actions initiated, enemy defections, and other—back their claims.

## The Face of War

## EXTENSION OF REMARKS

OF

## HON. DONALD RUMSFELD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1966

Mr. RUMSFELD. Mr. Speaker, the ambiguities and confusing aspects of the war in Vietnam have made it difficult for the American people to form sound judgments as to the U.S. goals and policies in southeast Asia. The confusion which accompanies the war has been lessened to some extent, however, by the high degree of reporting, of sometimes unpleasant facts, by the U.S. broadcast media, as well as the print media.

The following remarks published in the March 1966, edition of the Quill, published by the professional journalistic society, Sigma Delta Chi, and written by Columbia Broadcasting System President Frank Stanton, outline the role that the broadcast media is playing in Vietnam and some of the difficulties it faces.

## THE FACE OF WAR

(By Frank Stanton, president, Columbia Broadcasting System, Inc.)

(NOTE.—Abridged from remarks made by the CBS president at a meeting in the Waldorf-Astoria Hotel in New York City, Jan. 28, 1966.)

The past four decades have seen broadcast journalism grow in competence and thoroughness until today the majority of Americans look first to radio and television for their information. Those same four decades have seen the Nation's bleakest depression, the world's most devastating war, and mankind's most dramatic scientific progress.

All these put a tough challenge, first to radio and then to television, to report and interpret them accurately, vividly, and in such a way that the American people were significantly aided in carrying out effectively their decisionmaking duties as citizens. As dramatic a part of history now as the events themselves are the role that radio played in the political life of the thirties, the sobering and yet reassuring effect of Ed Murrow's "This Is London" during the darkest days of World War II, and the soaring sight on 50 million television sets of our first man-shoots in 1962.

But the responsibility of broadcasting in gathering and reporting the news has never been more pressing and more difficult than it is now. The overriding fact of our national life today is the war in Vietnam. It is our duty in broadcasting to bring the face of

this war—the human face on the battlefield and the issues behind it—to all the people so that they can witness it and understand it. This is turning out to be a rough job, full of perplexing and persistent problems. The forthright reporting of unpleasant facts has inspired adverse reactions both from the public and from Washington. Unjust and senseless charges of unpatriotic conduct have been made against correspondents for doing their jobs under the most difficult conditions imaginable.

I am not talking here about censorship or matters involving military security. I am not talking even about "managed news." I am talking about facts and issues that our people have to know in order to carry out their decisionmaking responsibilities as citizens.

Much of this ambiguity about the proper role of reporting in this war is due, without doubt, to the frustrating character of the Vietnamese war. Vietnam is like no other war in our history and against an enemy like no other we have fought. Progress toward a resolution is sporadic and defies measurement in terms easily determined or simply reported or readily understood.

Besides its baffling intrinsic nature, the Vietnam war has also been a baffling one for our newsmen, our reporters, and our cameramen. Operating on their own in a war of no fixed positions, they have had to use ingenuity, persistence, and sheer guts to bring the harsh reality of this agonizing war home to us here in the United States. They have to provide for themselves and work in isolation from their colleagues. For their pains—and I use the word literally—they have been attacked more often than they have been praised.

There is an ancient proverb about the low regard in which the bearer of ill-tidings is held. "None love the messenger who brings bad news," wrote Sophocles. Unhappily, much of the news in any war is bad news, and this one is far from an exception. As a result, the men who risk their lives to get the sounds and sights of the embattled, and the men who stay up all night to get the material ready for the air, are treated in many cases as if they invented the events and conditions they are reporting.

There are those, too, including some in our Government, who would like only the good news reported. Threats of reprisal, of making a difficult job all but impossible, have not been unknown. But failures and mistakes are an essential part of the story. If they are to be avoided or corrected, it will not be by hiding them but only by bringing them fully out into the open where the people have a chance to examine them and then to make their opinion felt. For as Sophocles also wrote, "Truth is always the strongest argument."

On the other hand, in the absence of formal censorship, we scrupulously follow the three general principles put to the news media by the Pentagon for voluntary adoption: We will report casualty statistics on a daily basis only in general terms, we will report troop movements only when the enemy already know them, and we will refrain from giving the names and numbers of specific units engaged in individual battles. We also do everything we can to avoid revealing the identities of individual casualties before next of kin have been notified. All these are sensible restrictions with the sole purpose of limiting information reaching the enemy. But in other respects—in common with all conscientious journalists—we are not subscribing to any theory of news by handout, telling the American people only what somebody arbitrarily decides that they should know and concealing the rest.

The policy does not make for unanimous popularity, although we are convinced that in the long run it is the only sound one.

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And not all our letters are fan letters. We receive some very vigorous letters protesting that we are bringing the horrors of war too vividly into American homes, that we are reporting facts too unpleasant for the public to know, that we are showing too much of the fighting, that we are not showing enough of the fighting and too much of the draft-card burning, that we are propagandists for the war, and that we are propagandists against it. Much of this, I suppose, is understandable. The human face of war is never pleasant to look upon, and its stark reality is far more galling in the quiet living room on Elm Street than it is on the battleground. But the fact of the matter is that Elm Street is no less involved in this conflict because of its distance from the combat area and because fighting is delegated to a comparative few of the young. Decisions made in Washington and culminating on a steaming, tortured peninsula 10,000 miles away begin in the living room and end there. To ignore this is to deny our birthright and our responsibility as a free people.

It seems to me highly fortunate that this, the most difficult of all wars to report and understand, is the first war also which we have been able to report with the immediacy, the speed, and the thoroughness of modern-day electronic journalism. The reality of the Civil War was brought home forcefully to the people by the searching and ubiquitous eye of Brady's camera, but his pictures were not seen by most people for months and even years after the events pictured. The choppy films of World War I were mute and fragmented and seen only in brief unrelated sequences in the nickelodeons of the time. Even the intrepid microphone and the dogged motion picture camera of World War II for the most part kept sound and sight apart.

It seems to me that there is no more important responsibility of broadcasting today than to report those events fully, accurately, and forthrightly, and to analyze their meaning candidly and decisively.

## Work Right Held Basic as Vote Right

## EXTENSION OF REMARKS

HON. JOHN J. RHODES

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1966

Mr. RHODES of Arizona. Mr. Speaker, on February 1, 1966, in Phoenix, the Arizona Republic published an article on section 14(b) of our National Labor Relations Act, the Taft-Hartley Act. The discussion of this controversial subject was written by Mr. William D. Partridge, an economist. I consider the article to be worthy of being read by my colleagues. The article follows:

WORK RIGHT HELD BASIC AS VOTE RIGHT—SECTION 14(b) DISCUSSED IN ECONOMIC INEQUITIES SERIES

(By William D. Partridge)

It is a natural right to worship, it is a natural right to vote, and it is a natural right to work—that is.

The assertion of the right to life in the American Declaration of Independence is an important milestone in the long historical development of these three natural rights of mankind.

Economic inequities sometimes are confused with political inequities.

A case in point is Section 14(b) of the old Taft-Hartley Act and of our present National Labor Relations Act. This Federal law legalizes the right of industry to sign labor con-

tracts permitting the hiring of nonunion workers in those States that expressly allow it.

God without an entrance fee or particular street address, the vote without a payment, and a job without a continuing commission fee are the basic natural rights of all men.

Now, it follows that retention of the poll tax is a twin sister to repeal of the States' right-to-work laws. The one charges a fee to vote, and the other charges a fee to work.

Think it over.

Congress is churning to repeal section 14(b) so that big labor may charge a fee of anybody who wants to work for a living. The reason for wanting this, of course, is a mixture of political power and institutional ego.

Nineteen States have these right-to-work laws that make it unlawful to charge a labor poll tax against industry's will as a fee to get a worker off the dole.

What manner of man says you can vote for free but cannot work for free? What kind of person can wave the flag but not the pork chop? A crafty politician can walk this tightrope, and a greedy labor leader can scheme for more and more organized power.

The national union shop or the closed shop is political ownership of an economic activity—man's own labor.

Big labor and big business are steadily bumbling their ways into the functional economy or corporate economic state.

Utopian declarations of big government are followed by expedient measures, and both are followed by inflation. And the functional economy can and will pick up the pieces.

The corporate state cannot operate without national labor unification of all industrial workers. One tragedy of the American labor movement is that it does not see that repeal of 14(b) is another step toward the gallows for free enterprise business and for right-to-strike labor.

There's one for you; how about a law abolishing the right to strike? If one makes sense, so does the other. Even the simple thought of this logical parallelism makes big labor livid with anger.

Apologists point to the Union Starch & Refining court decision where one problem is avoided by dues payment without union participation. They overlook the fact that this is still a labor poll tax without a formal union label.

These dilettantes say the Union Starch solution preserves the individual's freedom of organizational likes and dislikes. But the economic worker is still forced to help finance a political action movement.

And we all know big labor is big politics. The Starch argument confuses the real issue, which is that an industrial worker in the free market has to pay a fee to a private agency in order to earn a living.

There can be no closed doors in an open economy, but there must be closed doors in a functional economy. Does big labor see this far into the boomerang consequences of its own power ambitions? No, it doesn't.

The much harsher question is: Does either business or labor see the differences between initial Government expediencies and subsequent Government policies? Again, no.

It is today politically expedient for Government to placate labor by repealing section 14(b), thus making the union or closed shop the law of the entire land.

This clearly amounts to enacting a national labor tax, just as much a tax as the poll tax.

At the same time, it is politically expedient for Government to placate civil rights minorities by abolishing some States' voting poll tax.

A real national policy would support or reject both the voting and working fees by leaving both up to the various States or prohibiting both to all States.

Compulsory union membership with or

out the enforced payment of dues is in flat opposition to American individual freedom.

And national enforcement of big labor's agency fees with or without union membership is no different than a poll tax to vote in a free election.

Artificial mapping of the movement of labor and goods, wages and prices—or votes—constricts the natural expansion of any healthy economy or, remember, any democracy.

Thomas M. Mulry

## EXTENSION OF REMARKS

OF

HON. LEONARD FARBSTEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1966

Mr. FARBSTEN. Mr. Speaker, March 10 marks the 50th anniversary of the death of Thomas M. Mulry, and I think it appropriate that recognition be made of this anniversary since Mr. Mulry was one of the outstanding citizens of our country.

Born in New York City of a mother whose forebears went back to the earliest colonial days and a father who had come from Ireland as a boy, Thomas Mulry grew to eminence in his chosen field of business—banking, but he also became one of the foremost figures in the field of American charity—and this at a time when government had not assumed the all-encompassing position in support and guidance which it fills today.

Although he rose to the position of president of the Emigrant Savings Bank—one of the great savings institutions of New York City, Mr. Mulry's lasting devotion was to organizations serving the poor and afflicted. Much of his effort was devoted to the fostering and nurturing of Catholic charitable units and so great was his contribution that he was described by one eminent authority as "generally acknowledged to have been the greatest single person in the history of American Catholic charities."

He worked all his life for the Society of St. Vincent de Paul and in his later years served as president of its superior council.

So great was the knowledge of his tireless and energetic labors that President Theodore Roosevelt appointed him in 1909 as Vice Chairman of the White House Conference on Children which he did much to stimulate and which continues its work to this day.

It was his work in sponsoring and effecting increased cooperation between charitable organizations that was Mr. Mulry's most valuable contribution to the social development of our country and in these ecumenical times his pioneering efforts take on new significance.

In the 1880's when he began his work, private charities were either entirely Protestant or militantly Catholic. Proselytizing was carried on without any great subtlety. The idea of cooperation was unconsidered. In the face of this unpromising situation Mr. Mulry began his efforts to join the activities of groups of different faiths since he realized that



# THE LEGALITY OF U.S. PARTICIPATION IN THE DEFENSE OF VIETNAM

Mr. PROXMIER. Mr. President, I rise for the purpose of calling to the attention of Senators the very comprehensive and convincing paper which has just been released by the Department of State entitled "The Legality of U.S. Participation in the Defense of Vietnam."

I do so because the legality of our position has been challenged repeatedly on the floor of the Senate and in part throughout the country. I think it has been answered by some of the most prominent and expert lawyers in the country.

The House of Delegates of the American Bar Association meeting in Chicago recently unanimously supported the legality of our position in Vietnam. A number of professors and other legal experts have gone on record and their opinion has been placed in the record.

I feel that because we are a country which believes in the legal process and a world of law, as well as a nation of law, it is important that we be precisely certain as to what justification in law there is for our prestige in Vietnam.

For this reason I call attention to this document which sets forth in detail the legal case for the following propositions:

I. The United States and South Vietnam have the right under international law to participate in the collective defense of South Vietnam against armed attack.

II. The United States has undertaken commitments to assist South Vietnam in defending itself against Communist aggression from the north.

III. Actions by the United States and South Vietnam are justified under the Geneva accords of 1954.

IV. The President has full authority to commit U.S. forces in the collective defense of South Vietnam.

Finally, I wish to call to the attention of the Senate a brief and concise summary conclusion which in a few hundred words summarizes our position simply and clearly.

I thank the distinguished Senator from Alabama.

Mr. President, I ask unanimous consent that the document entitled "The Legality of U.S. Participation in the Defense of Vietnam" be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

[From the Department of State, office of the Legal Adviser, Mar. 4, 1966]

## THE LEGALITY OF U.S. PARTICIPATION IN THE DEFENSE OF VIETNAM

### I. THE UNITED STATES AND SOUTH VIETNAM HAVE THE RIGHT UNDER INTERNATIONAL LAW TO PARTICIPATE IN THE COLLECTIVE DEFENSE OF SOUTH VIETNAM AGAINST ARMED ATTACK

In response to requests from the Government of South Vietnam, the United States has been assisting that country in defending itself against armed attack from the Communist north. This attack has taken the forms of externally supported subversion, clandestine supply of arms, infiltration of armed personnel, and most recently the sending of regular units of the North Vietnamese Army into the south.

International law has long recognized the right of individual and collective self-defense

against armed attack. South Vietnam and the United States are engaging in such collective defense consistently with international law and with U.S. obligations under the United Nations Charter.

### A. South Vietnam is being subjected to armed attack by Communist North Vietnam

The Geneva accords of 1954 established a demarcation line between North Vietnam and South Vietnam. They provided for withdrawals of military forces into the respective zones north and south of this line. The accords prohibited the use of either zone for the resumption of hostilities or to "further an aggressive policy."

During the 5 years following the Geneva Conference of 1954, the Hanoi regime developed a covert political-military organization in South Vietnam based on Communist cadres it had ordered to stay in the south, contrary to the provisions of the Geneva accords. The activities of this covert organization were directed toward the kidnapping and assassination of civilian officials—acts of terrorism that were perpetrated in increasing numbers.

In the 3-year period from 1959 to 1961, the North Vietnam regime infiltrated an estimated 10,000 men into the south. It is estimated that 13,000 additional personnel were infiltrated in 1962, and, by the end of 1964, North Vietnam may well have moved over 40,000 armed and unarmed guerrillas into South Vietnam.

The International Control Commission reported in 1962 the findings of its Legal Committee:

"There is evidence to show that arms, armed and unarmed personnel, munitions and other supplies have been sent from the zone in the north to the zone in the south with the objective of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the armed forces and administration of the zone in the south."

"There is evidence that the PAVN [People's Army of Vietnam] has allowed the zone in the north to be used for inciting, encouraging and supporting hostile activities in the zone in the south, aimed at the overthrow of the administration in the south."

Beginning in 1964, the Communists apparently exhausted their reservoir of southerners who had gone north. Since then the greater number of men infiltrated into the South have been native-born North Vietnamese. Most recently, Hanoi has begun to infiltrate elements of the North Vietnamese army in increasingly larger numbers. Today, there is evidence that nine regiments of regular North Vietnamese forces are fighting in organized units in the South.

In the guerrilla war in Vietnam, the external aggression from the north is the critical military element of the insurgency, although it is unacknowledged by North Vietnam. In these circumstances, an armed attack is not as easily fixed by date and hour as in the case of traditional warfare. However, the infiltration of thousands of armed men clearly constitutes an armed attack under any reasonable definition. There may be some question as to the exact date at which North Vietnam's aggression grew into an armed attack, but there can be no doubt that it had occurred before February 1965.

### B. International law recognizes the right of individual and collective self-defense against armed attack

International law had traditionally recognized the right of self-defense against armed attack. This proposition has been asserted by writers on international law through the several centuries in which the modern law of nations has developed. The proposition has been acted on numerous times by governments throughout modern history. Today

the principle of self-defense against armed attack is universally recognized and accepted.<sup>1</sup>

The Charter of the United Nations, concluded at the end of World War II, imposed an important limitation on the use of force by United Nations members. Article 2, paragraph 4, provides: "All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

In addition, the charter embodied a system of international peacekeeping through the organs of the United Nations. Article 24 summarizes these structural arrangements in stating that the United Nations members "confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf."

However, the charter expressly states in article 51 that the remaining provisions of the charter—including the limitation of article 2, paragraph 4, and the creation of United Nations machinery to keep the peace—in no way diminish the inherent right of self-defense against armed attack. Article 51 provides: "Nothing in the present charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

Thus, article 51 restates and preserves, for member states in the situations covered by the article, a long-recognized principle of international law. The article is a "saving clause" designed to make clear that no other provision in the charter shall be interpreted to impair the inherent right of self-defense referred to in article 51.

Three principal objections have been raised against the availability of the right of individual and collective self-defense in the case of Vietnam: (1) That this right applies only in the case of an armed attack on a United Nations member; (2) that it does not apply in the case of South Vietnam because the latter is not an independent sovereign state; and (3) that collective self-defense may be undertaken only by a regional organization operating under chapter VIII of the United Nations Charter. These objections will now be considered in turn.

### C. The right of individual and collective self-defense applies in the case of South Vietnam whether or not that country is a member of the United Nations

#### 1. South Vietnam Enjoys the Right of Self-Defense

The argument that the right of self-defense is available only to members of the United Nations mistakes the nature of the right of self-defense and the relationship of the United Nations Charter to international law in this respect. As already shown, the right of self-defense against armed attack is an inherent right under international law. The right is not conferred by the charter, and, indeed, article 51 expressly recognizes that the right is inherent.

<sup>1</sup> See, e.g., Jessup, "A Modern Law of Nations," 163 ff. (1948); Oppenheim, "International Law," 297 ff. (8th ed., Lauterpacht, 1955). And see, generally, Bowett, "Self-Defense in International Law" (1958).

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I recommend that its first action in this connection be to recognize that the Director of the Houston office, Mr. Neal Pickett, needs to be replaced by a more competent administrator, and I suggest that this action be taken promptly.

I ask unanimous consent that excerpts from the Comptroller General's report on this project dated February 23, 1966, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

## CONCLUSIONS AND RECOMMENDATIONS

On the basis of our review, we question the soundness of the actions leading to FHA's decision to insure a \$4.7 million mortgage to finance this project without the support of the original sponsoring organization. FHA's procedures with respect to mortgage insurance on housing projects for the elderly covering 100 percent of project costs appear to use to be carefully formulated to insure that such insurance is based on careful review and thorough evaluation of all factors pertaining to the projects. In our opinion, these procedures were not followed in this instance and the risk to the Government inherent in the insurance of mortgages has been increased.

## RECOMMENDATIONS

We recommend that the Commissioner, FHA, stress the importance to all agency officials involved in approving mortgage insurance of the need for strict compliance with the agency's existing procedures. We recommend also that the Commissioner impress on these officials the need to guard against the assumption of unnecessary risks involved in insuring mortgages for housing projects for the elderly when such projects are not fully endorsed by sponsors having a proper and clearly identifiable interest in providing housing for the elderly and having demonstrated reliability, substance, and ability sufficient to give reasonable assurance of the successful completion and continuity of the project.

## RETIREMENT OF WILLIAM S. CHEATHAM AS ADMINISTRATIVE ASSISTANT AND LEGAL COUNSEL TO SERGEANT AT ARMS

Mr. DIRKSEN. Mr. President, William S. Cheatham, who began his career at the U.S. Senate almost 45 years ago, has retired as administrative assistant and legal counsel to the Sergeant at Arms.

He started on his 12th birthday as a Senate page and after 4 years served as the first clerk to the secretary to the minority—then the Democratic side. A Republican Sergeant at Arms, although Cheatham was a Democrat, appointed him his one and only secretary on the day President Hoover was inaugurated, March 4, 1929.

In the course of the next 18 years he assisted three other Sergeants at Arms, one Republican and two Democrats, excepting for the time he served in the Air Corps during World War II. In his day there was no page school, so he completed grammar school in the public night school system, obtained a high school diploma by attending private night schools, and was later graduated from George Washington University

with the degree of bachelor of arts and then from Georgetown University Law School.

He resigned from his Senate position in May of 1947 to become an Assistant Corporation Counsel for the District of Columbia where he tried a number of varied cases and sat as a member of several decisionmaking boards. After 5 years he left the District and went with the National Capital Planning Commission as its General Counsel and Secretary, where he remained for 4 years.

While away from the Senate 9 years, two Sergeants at Arms called on him to draft a number of legal documents. These included proposed legislation on housekeeping matters and the first motor vehicle and traffic regulations for the Capitol Grounds. The Capitol Police Board had been required to promulgate these regulations under a new provision of statute transferring jurisdiction from the District to the Capitol authorities and making the comparable District regulations inapplicable to many miles of streets and drives on the Hill.

Early in January 1956 he then Sergeant at Arms, Joseph C. Duke, requested Bill Cheatham to return to the Senate and assist with the greatly expanded volume of problems.

On his return 10 years ago, in addition to his varied day-to-day duties, Bill presented all the Sergeant at Arms' budget and appropriations requests to the Senate Committee on Appropriations and worked on various matters with the Committees on Rules and Administration and Public Works; he closely cooperated with the U.S. attorney in defending suits arising out of Senate activities; and performed endless duties serving as the Sergeant at Arms' representative under the chairman of the Joint Congressional Committee on Arrangements for more than 2 months ahead of each presidential inauguration. He also played a major role in planning and arranging funerals for Senators who died in office and in escorting the official Congressional Funeral Committee to the services usually held in the home town of the deceased.

Bill's 4-year period at the Planning Commission was perhaps the stormiest in the Commission's history. It included law suits by citizens attempting to preserve upper Rock Creek Park from being substantially covered with a highway by the Maryland Roads Commission and battles concerning the problems involved with the Maryland Planning Commission. The local Urban Redevelopment Act caused many arguments between the Commission and the Redevelopment Land Agency. The landmark case under the redevelopment law was originally handled by Bill. When the Supreme Court decided to hear the case, Bill said he was very thrilled over the fact that Solicitor General Simon E. Sobeloff asked Bill to assist in preparing the Supreme Court argument. Bill said wistfully that this made the late Mr. Justice Felix Frankfurter happy too because "You see, my wife was secretary to Mr. Justice Harold H. Burton for 18

years and Mr. Justice Frankfurter would often ask me why I did not argue before the Court. Mr. Sobeloff invited me to sit by him as he presented his argument to the Court and afterward Mr. Justice Frankfurter said to me, 'Now you are getting close.'"

When he was asked if he would write a book like everyone else is doing, Bill replied that he did not have any current intentions of writing one. However, he explained that he already had appeared in print in the Saturday Evening Post of March 20, 1926, as excerpts from his diary as a page boy were quoted in a story by Mary Roberts Rinehart entitled "Willie Cheatham Looks at the Senate."

I just want to add that in my book Bill Cheatham was one of the finest and one of the most courteous attendants of the Senate I ever encountered. I think he so richly merits the tributes we pay him today.

Mr. SPARKMAN. Mr. President, I wish to take advantage of this opportunity to say a word about Bill Cheatham. I have known Bill Cheatham for the nearly 20 years that I have been a Member of the Senate. He has certainly been one of the most faithful and efficient persons we have had in the Senate. I had a good bit of contact with him in reference to the program the Foreign Relations Committee carries on when ministers and parliamentarians from other countries come here. We nearly always have them up to talk with us, or have lunch, or have coffee, or a get-together of some kind, and we usually follow that by bringing them to the Senate floor.

We always relied on Bill Cheatham to handle things for us and he has done it in such a magnificent and efficient way that I shall always remember that.

There is one other thing that comes to my mind when I think of Bill Cheatham, and that is his dear old mother. For many, many years one could see her almost any day when the Senate was in session sitting up in the gallery. She is a sweet, kind, gentle woman.

I hate very much to see Bill Cheatham retire from the Senate. I wish for him and his mother many long years of happiness.

Mr. DIRKSEN. I am glad that the distinguished Senator from Alabama mentioned Bill Cheatham's mother. It was my privilege to learn of her a good many years ago when she was frequently in the corridors. I never see her but what I give her a little hug. She is sweet and gracious and interested in public affairs as if she were a youngster. I do not know her age. One never tells a lady's age anyway. Let us say that she lived in good health to a ripe age and still has never lost interest in public affairs.

Mr. SPARKMAN. I wish to mention two other things that come to mind. My birthday is the 20th of December. Every year when I am here I get a telephone call from her and she sings "Happy Birthday" over the telephone.



March 10, 1966

The charter nowhere contains any provision designed to deprive nonmembers of the right of self-defense against armed attack.<sup>2</sup> Article 2, paragraph 6, does charge the United Nations with responsibility for insuring that nonmember states act in accordance with United Nations "principles so far as may be necessary for the maintenance of international peace and security." Protection against aggression and self-defense against armed attack are important elements in the whole charter scheme for the maintenance of international peace and security. To deprive nonmembers of their inherent right of self-defense would not accord with the principles of the Organization, but would instead be prejudicial to the maintenance of peace. Thus article 2, paragraph 6—and, indeed, the rest of the charter—should certainly not be construed to nullify or diminish the inherent defensive rights of nonmembers.

2. The United States Has the Right To Assist in the Defense of South Vietnam Although the Latter Is Not a United Nations Member

The cooperation of two or more international entities in the defense of one or both against armed attack is generally referred to as collective self-defense. U.S. participation in the defense of South Vietnam at the latter's request is an example of collective self-defense.

The United States is entitled to exercise the right of individual or collective self-defense against armed attack, as that right exists in international law, subject only to treaty limitations and obligations undertaken by this country.

It has been urged that the United States has no right to participate in the collective defense of South Vietnam because article 51 of the United Nations Charter speaks only of the situation "if an armed attack occurs against a member of the United Nation." This argument is without substance.

In the first place, article 51 does not impose restrictions or cut down the otherwise available rights of United Nations members. By its own terms, the article preserves an inherent right. It is, therefore, necessary to look elsewhere in the charter for any obligation of members restricting their participation in collective defense of an entity that is not a United Nations member.

Article 2, paragraph 4, is the principal provision of the charter imposing limitations on the use of force by members. It states that they "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations."

Action taken in defense against armed attack cannot be characterized as falling within this proscription. The record of the San Francisco Conference makes clear that article 2, paragraph 4, was not intended to restrict the right of self-defense against armed attack.<sup>3</sup>

One will search in vain for any other provision in the charter that would preclude U.S. participation in the collective defense of a nonmember. The fact that article 51 refers to armed attack "against a member of the United Nations" implies no intention to preclude members from participating in the defense of nonmembers. Any such result would have seriously detrimental consequences for international peace and security and would be inconsistent with the purposes of the United Nations as they are set forth in article 1 of the charter.<sup>4</sup> The right of members to participate in the defense of nonmembers is upheld by leading authorities on international law.<sup>5</sup>

D. The right of individual and collective self-defense applies whether or not South Vietnam is regarded as an independent sovereign state

1. South Vietnam Enjoys the Right of Self-Defense

It has been asserted that the conflict in Vietnam is "civil strife" in which foreign intervention is forbidden. Those who make this assertion have gone so far as to compare Ho Chi Minh's action in Vietnam with the efforts of President Lincoln to preserve the Union during the American Civil War. Any such characterization is an entire fiction disregarding the actual situation in Vietnam. The Hanoi regime is anything but the legitimate government of a unified country in which the South is rebelling against lawful national authority.

The Geneva accords of 1954 provided for a division of Vietnam into two zones at the 17th parallel. Although this line of demarcation was intended to be temporary, it was established by international agreement, which specifically forbade aggression by one zone against the other.

The Republic of Vietnam in the south has been recognized as a separate international entity by approximately 60 governments the world over. It has been admitted as a member of a number of the specialized agencies of the United Nations. The United Nations General Assembly in 1957 voted to recommend South Vietnam for membership in the Organization, and its admission was frustrated only by the veto of the Soviet Union in the Security Council.

In any event there is no warrant for the suggestion that one zone of a temporarily divided state—whether it be Germany, Korea, or Vietnam—can be legally overrun by armed forces from the other zone, crossing the internationally recognized line of demarcation between the two. Any such doctrine would subvert the international agreement establishing the line of demarcation, and would pose grave dangers to international peace.

The action of the United Nations in the Korean conflict of 1950 clearly established the principle that there is no greater license

for one zone of a temporarily divided state to attack the other zone than there is for one state to attack another state. South Vietnam has the same right that South Korea had to defend itself and to organize collective defense against an armed attack from the north. A resolution of the Security Council dated June 25, 1950, noted "with grave concern the armed attack upon the Republic of Korea by forces from North Korea" and determined "that this action constitutes a breach of the peace."

2. The United States Is Entitled To Participate in the Collective Defense of South Vietnam Whether or Not the Latter Is Regarded as an Independent Sovereign State

As stated earlier South Vietnam has been recognized as a separate international entity by approximately 60 governments. It has been admitted to membership in a number of the United Nations specialized agencies, and has been excluded from the United Nations Organization only by the Soviet veto.

There is nothing in the charter to suggest that United Nations members are precluded from participating in the defense of a recognized international entity against armed attack merely because the entity may lack some of the attributes of an independent sovereign state. Any such result would have a destructive effect on the stability of international engagements such as the Geneva accords of 1954 and on internationally agreed lines of demarcation. Such a result, far from being in accord with the charter and the purposes of the United Nations, would undermine them and would create new dangers to international peace and security.

E. The United Nations Charter does not limit the right of self-defense to regional organizations

Some have argued that collective self-defense may be undertaken only by a regional arrangement or agency operating under chapter VIII of the United Nations Charter. Such an assertion ignores the structure of the charter and the practice followed in the more than 20 years since the founding of the United Nations.

The basic proposition that rights of self-defense are not impaired by the charter—as expressly stated in article 51—is not conditioned by any charter provision limiting the application of this proposition to collective defense by a regional arrangement or agency. The structure of the charter reinforces this conclusion. Article 51 appears in chapter VII of the charter, entitled "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression," whereas chapter VIII, entitled "Regional Arrangements," begins with article 52 and embraces the two following articles. The records of the San Francisco Conference show that article 51 was deliberately placed in chapter VII rather than chapter VIII, "where it would only have a bearing on the regional system."<sup>6</sup>

Under article 51, the right of self-defense is available against any armed attack, whether or not the country attacked is a member of a regional arrangement and regardless of the source of the attack. Chapter VIII, on the other hand, deals with relations among members of a regional arrangement or agency, and authorizes regional action as appropriate for dealing with "local disputes." This distinction has been recognized ever since the founding of the United Nations in 1945.

For example, the North Atlantic Treaty has operated as a collective security arrangement, designed to take common measures in preparation against the eventuality of an armed attack for which collective defense under article 51 would be required. Simi-

<sup>2</sup> While nonmembers, such as South Vietnam, have not formally undertaken the obligations of the United Nations Charter as their own treaty obligations, it should be recognized that much of the substantive law of the charter has become part of the general law of nations through a very wide acceptance by nations the world over. This is particularly true of the charter provisions bearing on the use of force. Moreover, in the case of South Vietnam, the South Vietnamese Government has expressed its ability and willingness to abide by the charter, in applying for United Nations membership. Thus it seems entirely appropriate to appraise the actions of South Vietnam in relation to the legal standards set forth in the United Nations Charter.

<sup>3</sup> See, e.g., 6 UNCIO documents 459.

<sup>4</sup> In particular, the statement of the first purpose:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;"

<sup>5</sup> Bowett, "Self-Defense in International Law," 193-195 (1958); Goodhart, "The North Atlantic Treaty of 1949," 79 "Recueil Des Cours," 183, 202-204 (1951, vol. II), quoted in 5 "Whitman's Digest of International Law," 1067-1068 (1965); Kelsen, "The Law of the United Nations," 793 (1950); see Stone, "Aggression and World Order," 44 (1958).

<sup>6</sup> 17 UNCIO documents 288.

ary, the Southeast Asia Treaty Organization was designed as a collective defense arrangement under article 51. Secretary of State Dulles emphasized this in his testimony before the Senate Foreign Relations Committee in 1954.

By contrast, article 1 of the Charter of Bogotá (1948), establishing the Organization of American States, expressly declares that the Organization is a regional agency within the United Nations. Indeed, chapter VIII of the United Nations Charter was included primarily to take account of the functioning of the inter-American system.

In sum, there is no basis in the United Nations Charter for contending that the right of self-defense against armed attack is limited to collective defense by a regional organization.

*The United States has fulfilled its obligations to the United Nations*

A further argument has been made that the members of the United Nations have conferred on United Nations organs—and, in particular, on the Security Council—exclusive power to act against aggression. Again, the express language of article 51 contradicts that assertion. A victim of armed attack is not required to forgo individual or collective defense of its territory until such time as the United Nations organizes collective action and takes appropriate measures. To the contrary, article 51 clearly states that the right of self-defense may be exercised until the Security Council has taken the measures necessary to maintain international peace and security.

As indicated earlier, article 51 is not literally applicable to the Vietnam situation since South Vietnam is not a member. However, reasoning by analogy from article 51 and adopting its provisions as an appropriate guide for the conduct of members in a case like Vietnam, one can only conclude that U.S. actions are fully in accord with this country's obligations as a member of the United Nations.

Article 51 requires that: "Measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

The United States has reported to the Security Council on measures it has taken in countering the Communist aggression in Vietnam. In August 1964 the United States asked the Council to consider the situation created by North Vietnamese attacks on U.S. destroyers in the Tonkin Gulf. The Council thereafter met to debate the question but adopted no resolutions. Twice in February 1965 the United States sent additional reports to the Security Council on the conflict in Vietnam and on the additional measures taken by the United States in the collective defense of South Vietnam. In January 1966 the United States formally submitted the Vietnam question to the Security Council for its consideration and introduced a draft resolution calling for discussions looking toward a peaceful settlement on the basis of the Geneva accords.

An argument has been made by some that the United States, by joining in the collective defense of South Vietnam, has violated the peaceful settlement obligation of article 38 in the Charter. This argument overlooks the obvious proposition that a victim of armed aggression is not required to sustain the attack undefended while efforts are made to find a political solution with the aggressor. Article 51 of the Charter illustrates this by making perfectly clear that the inherent right of self-defense is impaired by nothing in the present Charter, including the provisions of article 33.

At no time has the Council taken any action to restore peace and security in southeast Asia. The Council has not expressed criticism of U.S. actions. Indeed, since the U.S. submission of January 1966, members of the Council have been notably reluctant to proceed with any consideration of the Vietnam question.

The conclusion is clear that the United States has in no way acted to interfere with United Nations consideration of the conflict in Vietnam. On the contrary, the United States has requested United Nations consideration, and the Council has not seen fit to act.

*G. International law does not require a declaration of war as a condition precedent to taking measures of self-defense against armed attack*

The existence or absence of a formal declaration of war is not a factor in determining whether an international use of force is lawful as a matter of international law. The United Nations Charter's restriction focus on the manner and purpose of its use and not on any formalities of announcement.

It should also be noted that a formal declaration of war would not place any obligations on either side in the conflict by which that side would not be bound in any event. The rules of international law concerning the conduct of hostilities in an international armed conflict apply regardless of any declaration of war.

*H. Summary*

The analysis set forth above shows that South Vietnam has the right in present circumstances to defend itself against armed attack from the north and to organize a collective self-defense with the participation of others. In response to requests from South Vietnam, the United States has been participating in that defense, both through military action within South Vietnam and actions taken directly against the aggressor in North Vietnam. This participation by the United States is in conformity with international law and is consistent with our obligations under the Charter of the United Nations.

*I. THE UNITED STATES HAS UNDERTAKEN COMMITMENTS TO ASSIST SOUTH VIETNAM IN DEFENDING ITSELF AGAINST COMMUNIST AGGRESSION FROM THE NORTH*

The United States has made commitments and given assurances, in various forms and at different times, to assist in the defense of South Vietnam.

*A. The United States gave undertaking at the end of the Geneva Conference in 1954*

At the time of the signing of the Geneva accords in 1954, President Eisenhower warned that any renewal of Communist aggression would be viewed by us as a matter of grave concern, at the same time giving assurance that the United States would "not use force to disturb the settlement." And the formal declaration made by the U.S. Government at the conclusion of the Geneva Conference stated that the United States "would view any renewal of aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security."

*B. The United States undertook an international obligation to defend South Vietnam in the SEATO Treaty*

Later in 1954 the United States negotiated with a number of other countries and signed the Southeast Asia Collective Defense Treaty. The treaty contains in the first paragraph of article 4 the following provision: "Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common

danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations."

Annexed to the treaty was a protocol stating that: "The parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purpose of article IV of the treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam."

Thus, the obligations of article IV, paragraph 1, dealing with the eventuality of armed attack, have from the outset covered the territory of South Vietnam. The facts as to the North Vietnamese armed attack against the south have been summarized earlier, in the discussion of the right of self-defense under international law and the Charter of the United Nations. The term "armed attack" has the same meaning in the SEATO Treaty as in the United Nations Charter.

Article IV, paragraph 1, places an obligation on each party to the SEATO Treaty to "act to meet the common danger in accordance with its constitutional processes" in the event of an armed attack. The treaty does not require a collective determination than an armed attack has occurred in order that the obligation of article IV, paragraph 1, become operative. Nor does the provision require collective decision on actions to be taken to meet the common danger. As Secretary Dulles pointed out when transmitting the treaty to the President, the commitment in article IV, paragraph 1, "leaves to the judgment of each country the type of action to be taken in the event an armed attack occurs."

The treaty was intended to deter armed aggression in southeast Asia. To that end it created not only a multilateral alliance but also a series of bilateral relationships. The obligations are placed squarely on "each party" in the event of armed attack in the treaty area—not upon "the parties," a wording that might have implied a necessity for collective decision. The treaty was intended to give the assurance of U.S. assistance to any party or protocol state that might suffer a Communist armed attack, regardless of the views or actions of other parties. The fact that the obligations are individual, and may even to some extent differ among the parties to the treaty, is demonstrated by the U.S. understanding, expressed at the time of signature, that its obligations under article IV, paragraph 1, apply only in the event of Communist aggression, whereas the other parties to the treaty were unwilling so to limit their obligations to each other.

Thus, the United States has a commitment under article IV, paragraph 1, in the event of armed attack, independent of the decision or action of other treaty parties. A joint communique issued by Secretary Rusk and Foreign Minister Thanat Khoman of Thailand on March 6, 1962, reflected this understanding: "The Secretary of State assured the Foreign Minister that in the event of such aggression, the United States intends to give full effect to its obligations under the treaty to act to meet the common danger in accordance with its constitutional processes. The Secretary of State reaffirmed that this obligation of the United States does not depend on the prior agreement of all other parties to the treaty, since this treaty obligation is individual as well as collective."

Most of the SEATO countries have stated that they agreed with this interpretation. None has registered objection to it.

When the Senate Committee on Foreign Relations reported on the Southeast Asia Collective Defense Treaty, it noted that the treaty area was further defined so that the "free territory of Vietnam" was an area "which, if attacked, would fall under the protection of the instrument." In its conclusion the committee stated: "The com-



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mittee is not impervious to the risks which this treaty entails. It fully appreciates that acceptance of these additional obligations commits the United States to a course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interests."

The Senate gave its advice and consent to the treaty by a vote of 82 to 1.

C. *The United States has given additional assurances to the Government of South Vietnam*

The United States has also given a series of additional assurances to the Government of South Vietnam. As early as October 1954 President Eisenhower undertook to provide direct assistance to help make South Vietnam "capable of resisting attempted subversion or aggression through military means." On May 11, 1957 President Eisenhower and President Ngo Dinh Diem of the Republic of Vietnam issued a joint statement which called attention to "the large build-up of Vietnamese Communist military forces in North Vietnam" and stated: "Noting that the Republic of Vietnam is covered by article IV of the Southeast Asia Collective Defense Treaty, President Eisenhower and President Ngo Dinh Diem agreed that aggression or subversion threatening the political independence of the Republic of Vietnam would be considered as endangering peace and stability."

On August 2, 1961 President Kennedy declared that "the United States is determined that the Republic of Vietnam shall not be lost to the Communists for lack of any support which the United States can render." On December 7 of that year President Diem appealed for additional support. In his reply of December 14, 1961, President Kennedy recalled the U.S. declaration made at the end of the Geneva Conference in 1954, and reaffirmed that the United States was "prepared to help the Republic of Vietnam to protect its people and to preserve its independence." This assurance has been reaffirmed many times since.

### III. ACTIONS BY THE UNITED STATES AND SOUTH VIETNAM ARE JUSTIFIED UNDER THE GENEVA ACCORDS OF 1954

#### A. *Description of the accords*

The Geneva accords of 1954<sup>a</sup> established the date and hour for a ceasefire in Vietnam, drew a "provisional military demarcation line" with a demilitarized zone on both sides, and required an exchange of prisoners and the phased regroupment of Viet Minh Forces from the south to the north and of French Union Forces from the north to the south. The introduction into Vietnam of troops reinforcements and new military equipment (except for replacement and repair) was prohibited. The armed forces of each party were required to respect the demilitarized zone and the territory of the other zone. The adherence of either zone to any military alliance, and the use of either zone for the resumption of hostilities or to "further an aggressive policy," were prohibited. The International Control Commission was estab-

lished, composed of India, Canada and Poland, with India as Chairman. The task of the Commission was to supervise the proper execution of the provisions of the Ceasefire agreement. General elections that would result in reunification were required to be held in July 1956 under the supervision of the ICC.

#### B. *North Vietnam violated the accords from the beginning*

From the very beginning, the North Vietnamese violated the 1954 Geneva accords. Communist military forces and supplies were left in the south in violation of the accords. Other Communist guerrillas were moved north for further training and then were infiltrated into the south in violation of the accords.

#### C. *The introduction of U.S. military personnel and equipment was justified*

The accords prohibited the reinforcement of foreign military forces in Vietnam and the introduction of new military equipment, but they allowed replacement of existing military personnel and equipment. Prior to late 1961, South Vietnam had received considerable military equipment and supplies from the United States, and the United States had gradually enlarged its military assistance advisory group to slightly less than 900 men. These actions were reported to the ICC and were justified as replacements for equipment in Vietnam in 1954 and for French training and advisory personnel who had been withdrawn after 1954.

As the Communist aggression intensified during 1961, with increased infiltration and a marked stepping up of Communist terrorism in the south, the United States found it necessary in late 1961 to increase substantially the numbers of our military personnel and the amounts and types of equipment introduced by this country into South Vietnam. These increases were justified by the international law principle that a material breach of an agreement by one party entitles the other at least to withhold compliance with an equivalent, corresponding, or related provision until the defaulting party is prepared to honor its obligations.<sup>9</sup>

In accordance with this principle, the systematic violation of the Geneva accords by North Vietnam justified South Vietnam in suspending compliance with the provision controlling entry of foreign military personnel and military equipment.

<sup>a</sup>This principle of law and the circumstances in which it may be invoked are most fully discussed in the Fourth Report on the Law of Treaties by Sir Gerald Fitzmaurice, articles 18, 20 (UN Doc. A/CN.4/120 (1959)) "II Yearbook of the International Law Commission 37" (UN Doc. A/CN.4/SER.A/1959/Add. 1) and in the later report by Sir Humphrey Waldock, article 20 (UN Doc. A/CN.4/156 and Add. 1-3 (1963)) "II Yearbook of the International Law Commission 36" (UN Doc. A/CN.4/SER.A/1963/Add. 1). Among the authorities cited by the fourth report for this proposition are: II Oppenheim, "International Law" 136, 137 (7th ed. Lauterpacht 1955); I Rousseau, "Principes généraux du droit international public" 365 (1944); II Hyde, "International Law" 1660 et seq. (2d ed. 1947); II Guggenheim, "Traité de droit international public" 84, 85 (1935); Spiropoulos, "Traité théorique et pratique de droit international public" 289 (1933); Verdross, "Völkerrecht," 328 (1950); Hall, "Treatise" 21 (8th ed. Higgins 1924); 3 Accioly, "Tratado de Direito Internacional Publico" 82 (1956-57). See also draft articles 42 and 46 of the Law of Treaties by the International Law Commission, contained in the report on the work of its 15th session (General Assembly, official records, 18th session, supplement No. 9 (A/5809)).

#### D. *South Vietnam was justified in refusing to implement the election provisions of the Geneva accords*

The Geneva accords contemplated the reunification of the two parts of Vietnam. They contained a provision for general elections to be held in July 1956 in order to obtain a "free expression of the national will." The accords stated that "consultations will be held on this subject between the competent representative authorities of the two zones from July 20, 1955, onwards."

There may be some question whether South Vietnam was bound by these election provisions. As indicated earlier, South Vietnam did not sign the cease-fire agreement of 1954, nor did it adhere to the final declaration of the Geneva Conference. The South Vietnamese Government at that time gave notice of its objection in particular to the election provisions of the accords.

However, even on the premise that these provisions were binding on South Vietnam, the South Vietnamese Government's failure to engage in consultations in 1955, with a view to holding elections in 1956, involved no breach of obligation. The conditions in North Vietnam during that period were such as to make impossible any free and meaningful expression of popular will.

Some of the facts about conditions in the north were admitted even by the Communist leadership in Hanoi. General Giap, currently Defense Minister of North Vietnam, in addressing the 10th Congress of the North Vietnamese Communist Party in October 1956, publicly acknowledged that the Communist leaders were running a police state where executions, terror, and torture were commonplace. A nationwide election in these circumstances would have been a travesty. No one in the north would have dared to vote except as directed. With a substantial majority of the Vietnamese people living north of the 17th parallel, such an election would have meant turning the country over to the Communists without regard to the will of the people. The South Vietnamese Government realized these facts and quite properly took the position that consultations for elections in 1956 as contemplated by the accords would be a useless formality.<sup>10</sup>

### IV. THE PRESIDENT HAS FULL AUTHORITY TO COMMIT U.S. FORCES IN THE COLLECTIVE DEFENSE OF SOUTH VIETNAM

There can be no question in present circumstances of the President's authority to commit U.S. forces to the defense of South Vietnam. The grant of authority to the President in article II of the Constitution extends to the actions of the United States currently undertaken in Vietnam. In fact, however, it is unnecessary to determine whether this grant standing alone is sufficient to authorize the actions taken in Vietnam. These actions rest not only on the exercise of Presidential powers under article II but on the SEATO Treaty—a treaty advised and consented to by the Senate—and on actions of the Congress, particularly the joint resolution of August 10, 1964. When these sources of authority are taken together—article II of the Constitution, the SEATO Treaty, and actions by the Congress—there can be no question of the legality under domestic law of U.S. actions in Vietnam.

<sup>10</sup>In any event, if North Vietnam considered there had been a breach of obligation by the south, its remedies lay in discussion with Saigon, perhaps in an appeal to the co-chairmen of the Geneva Conference, or in a reconvening of the conference to consider the situation. Under international law, North Vietnam had no right to use force outside its own zone in order to secure its political objectives.

**A. The President's power under article II of the Constitution extends to the actions currently undertaken in Vietnam.**

Under the Constitution, the President, in addition to being Chief Executive, is Commander in Chief of the Army and Navy. He holds the prime responsibility for the conduct of U.S. foreign relations. These duties carry very broad powers, including the power to deploy American forces abroad and commit them to military operations when the President deems such action necessary to maintain the security and defense of the United States.

At the Federal Constitutional Convention in 1787, it was originally proposed that Congress have the power "to make war." There were objections that legislative proceedings were too slow for this power to be vested in Congress; it was suggested that the Senate might be a better repository. Madison and Gerry then moved to substitute "to declare war" for "to make war," "leaving to the Executive the power to repel sudden attacks." It was objected that this might make it too easy for the Executive to involve the Nation in war, but the motion carried with but one dissenting vote.

In 1787 the world was a far larger place, and the framers probably had in mind attacks upon the United States. In the 20th century, the world has grown much smaller. An attack on a country far from our shores can impinge directly on the Nation's security. In the SEATO treaty, for example, it is formally declared that an armed attack against Vietnam would endanger the peace and safety of the United States.

Since the Constitution was adopted there have been at least 125 instances in which the President has ordered the Armed Forces to take action or maintain positions abroad without obtaining prior congressional authorization, starting with the "undeclared war" with France (1798-1800). For example, President Truman ordered 250,000 troops to Korea during the Korean war of the early 1950's. President Eisenhower dispatched 14,000 troops to Lebanon in 1958.

The Constitution leaves to the President the judgment to determine whether the circumstances of a particular armed attack are so urgent and the potential consequences so threatening to the security of the United States that he should act without formally consulting the Congress.

**B. The Southeast Asia Collective Defense Treaty authorizes the President's actions.**

Under article VI of the U.S. Constitution, "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Article IV, paragraph 1, of the SEATO Treaty establishes as a matter of law that a Communist armed attack against South Vietnam endangers the peace and safety of the United States. In this same provision the United States has undertaken a commitment in the SEATO Treaty to "act to meet the common danger in accordance with its constitutional processes" in the event of such an attack.

Under our Constitution it is the President who must decide when an armed attack has occurred. He has also the constitutional responsibility for determining what measures of defense are required when the peace and safety of the United States are endangered. If he considers that deployment of U.S. forces to South Vietnam is required, and that military measures against the source of Communist aggression in North Vietnam are necessary, he is constitutionally empowered to take those measures.

The SEATO Treaty specifies that each party will act "in accordance with its constitutional processes."

It has recently been argued that the use of armed forces in Asia is not authorized under the treaty because their use to deter armed attack was not contemplated at the time the treaty was considered by the Senate. Secre-

tary Dulles testified at that time that we did not intend to establish (1) a land army in southeast Asia capable of deterring Communist aggression, or (2) an integrated headquarters and military organization like that of NATO; instead, the United States would rely on "mobile striking power" against the sources of aggression. However, the treaty obligation in article IV, paragraph 1, to meet the common danger in the event of armed aggression, is not limited to particular modes of military action. What constitutes an adequate deterrent or an appropriate response, in terms of military strategy, may change; but the essence of our commitment to act to meet the common danger, as necessary at the time of an armed aggression, remains. In 1954 the forecast of military judgment might have been against the use of substantial U.S. ground forces in Vietnam. But that does not preclude the President from reaching a different military judgment in different circumstances, 12 years later.

**C. The joint resolution of Congress of August 10, 1964, authorizes U.S. participation in the collective defense of South Vietnam.**

As stated earlier, the legality of U.S. participation in the defense of South Vietnam does not rest only on the constitutional power of the President under article II—or indeed on that power taken in conjunction with the SEATO Treaty. In addition, the Congress has acted in unmistakable fashion to approve and authorize U.S. actions in Vietnam.

Following the North Vietnamese attacks in the Gulf of Tonkin against U.S. destroyers, Congress adopted, by a Senate vote of 88 to 2 and a House vote of 416 to 0, a joint resolution containing a series of important declarations and provisions of law.

Section 1 resolved that "the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Thus, the Congress gave its sanction to specific actions by the President to repel attacks against U.S. naval vessels in the Gulf of Tonkin and elsewhere in the western Pacific. Congress further approved the taking of "all necessary measures . . . to prevent further aggression." This authorization extended to those measures the President might consider necessary to ward off further attacks and to prevent further aggression by North Vietnam in southeast Asia.

The joint resolution then went on to provide in section 2:

"The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

Section 2 thus constitutes an authorization to the President, in his discretion, to act—using armed force if he determines that is required—to assist South Vietnam at its request in defense of its freedom. The identification of South Vietnam through the reference to "protocol state" in this section is unmistakable, and the grant of authority "as the President determines" is unequivocal.

It has been suggested that the legislative history of the joint resolution shows an intention to limit U.S. assistance to South Vietnam to aid, advice, and training. This suggestion is based on an amendment of-

ferred from the floor by Senator NELSON which would have added the following to the text:

"The Congress also approves and supports the efforts of the President to bring the problem of peace in southeast Asia to the Security Council of the United Nations; and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is 'limited and fitting.' Our continuing policy is to limit our role to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict."

Senator FULBRIGHT, who had reported the joint resolution from the Foreign Relations Committee, spoke on the amendment as follows:

"Mr. FULBRIGHT. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated. In other words, it states that our response should be appropriate and limited to the provocation, which the Senator states as 'respond to provocation in a manner that is limited and fitting,' and so forth. We do not wish any political or military bases there. We are not seeking to gain a colony. We seek to insure the capacity of these people to develop along the lines of their own desires, independent of domination by communism.

"The Senator has put into his amendment a statement of policy that is unobjectionable. However, I cannot accept the amendment under the circumstances. I do not believe it is contrary to the joint resolution, but it is an enlargement. I am informed that the House is now voting on this resolution. The House joint resolution is about to be presented to us. I cannot accept the amendment and go to conference with it, and thus take responsibility for delaying matters.

"I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy."

Senator NELSON's amendment related the degree and kind of U.S. response in Vietnam to "provocation" on the other side; the response should be "limited and fitting." The greater the provocation, the stronger are the measures that may be characterized as "limited and fitting." Bombing of North Vietnamese naval bases was a "limited and fitting" response to the attacks on U.S. destroyers in August 1964, and the subsequent actions taken by the United States and South Vietnam have been an appropriate response to the increased war of aggression carried on by North Vietnam since that date. Moreover, Senator NELSON's proposed amendment did not purport to be a restriction on authority available to the President but merely a statement concerning what should be the continuing policy of the United States.

Congressional realization of the scope of authority being conferred by the joint resolution is shown by the legislative history of the measure as a whole. The following exchange between Senators COOPER and FULBRIGHT is illuminating:

"Mr. COOPER. The Senator will remember that the SEATO Treaty, in article IV, pro-

<sup>11</sup> 110 CONGRESSIONAL RECORD 18459 (Aug. 7, 1964).

<sup>12</sup> Ibid.



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vides that in the event an armed attack is made upon a party to the Southeast Asia Collective Defense Treaty, or upon one of the protocol states such as South Vietnam, the parties to the treaty, one of whom is the United States, would then take such action as might be appropriate, after resorting to their constitutional processes. I assume that would mean, in the case of the United States, that Congress would be asked to grant the authority to act.

"Does the Senator consider that in enacting this resolution we are satisfying that requirement of article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?"

"Mr. FULBRIGHT. I think that is correct.

"Mr. COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead into war, we will give that authority by this resolution?"

"Mr. FULBRIGHT. That is the way I would interpret it. If a situation later developed in which we thought the approval should be withdrawn it could be withdrawn by concurrent resolution."<sup>13</sup>

The August 1964 joint resolution continues in force today. Section 2 of the resolution provides that it shall expire "when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress." The President has made no such determination, nor has Congress terminated the joint resolution.<sup>14</sup>

<sup>13</sup> 110 CONGRESSIONAL RECORD 18409 (Aug. 6, 1964.)

Senator MORSE, who opposed the joint resolution, expressed the following view on August 6, 1964, concerning the scope of the proposed resolution:

"Another Senator thought, in the early part of the debate, that this course would not broaden the power of the President to engage in a land war if he decided that he wanted to apply the resolution in that way.

"That Senator was taking great consolation in the then held belief that, if he voted for the resolution, it would give no authority to the President to send many troops into Asia. I am sure he was quite disappointed to finally learn, because it took a little time to get the matter cleared, that the resolution places no restriction on the President in that respect. If he is still in doubt, let him read the language on page 2, lines 3 to 6, and page 2, lines 11 to 17. The first reads:

"The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression."

"It does not say he is limited in regard to the sending of ground forces. It does not limit that authority. That is why I have called it a predated declaration of war, in clear violation of article I, section 8 of the Constitution, which vests the power to declare war in the Congress, and not in the President.

"What is proposed is to authorize the President of the United States, without a declaration of war, to commit acts of war". 110 CONGRESSIONAL RECORD 18426-18427 (Aug. 6, 1964.)

<sup>14</sup> On Mar. 1, 1966, the Senate voted, 92 to 5, to table an amendment that would have repealed the joint resolution.

Instead, Congress in May 1965 approved an appropriation of \$700 million to meet the expense of mounting military requirements in Vietnam. (Public Law 89-18, 79 Stat. 109). The President's message asking for this appropriation stated that this was "not a routine request. For each Member of Congress who supports this request is also voting to persist in our efforts to halt Communist aggressions in South Vietnam." The appropriation act constitutes a clear congressional endorsement and approval of the actions taken by the President.

On March 1, 1966 the Congress continued to express its support of the President's policy by approving a \$4.8 billion supplemental military authorization by votes of 392 to 4 and 93 to 2. An amendment that would have limited the President's authority to commit forces to Vietnam was rejected in the Senate by a vote of 94 to 2.

*D. No declaration of war by the Congress is required to authorize U.S. participation in the collective defense of South Vietnam*

No declaration of war is needed to authorize American actions in Vietnam. As shown in the preceding sections, the President has ample authority to order the participation of U.S. Armed Forces in the defense of South Vietnam.

Over a very long period in our history, practice and precedent have confirmed the constitutional authority to engage U.S. forces in hostilities without a declaration of war. This history extends from the undeclared war with France and the war against the Barbary pirates, at the end of the 18th century, to the Korean war of 1950-53.

James Madison, one of the leading framers of the Constitution, and Presidents John Adams and Jefferson all construed the Constitution, in their official actions during the early years of the Republic, as authorizing the United States to employ its Armed Forces abroad in hostilities in the absence of any congressional declaration of war. Their views and actions constitute highly persuasive evidence as to the meaning and effect of the Constitution. History has accepted the interpretation that was placed on the Constitution by the early Presidents and Congresses in regard to the lawfulness of hostilities without a declaration of war. The instances of such action in our history are numerous.

In the Korean conflict, where large-scale hostilities were conducted with an American troop participation of a quarter of a million men, no declaration of war was made by the Congress. The President acted on the basis of his constitutional responsibilities. While the Security Council, under a treaty of this country—the United Nations Charter—recommended assistance to the Republic of Korea against the Communist armed attack, the United States had no treaty commitment at that time obligating us to join in the defense of South Korea. In the case of South Vietnam we have the obligation of the SEATO Treaty and clear expressions of congressional support. If the President could act in Korea without a declaration of war, a fortiori he is empowered to do so now in Vietnam.

It may be suggested that a declaration of war is the only available constitutional process by which congressional support can be made effective for the use of U.S. Armed Forces in combat abroad. But the Constitution does not insist on any rigid formalism. It gives Congress a choice of ways in which to exercise its powers. In the case of Vietnam the Congress has supported the determination of the President by the Senate's approval of the SEATO Treaty, the adoption of the joint resolution of August 10, 1964, and the enactment of the necessary authorizations and appropriations.

## V. CONCLUSION

South Vietnam is being subjected to armed attack by Communist North Vietnam, through the infiltration of armed personnel, military equipment and regular combat units. International law recognizes the right of individual and collective self-defense against armed attack. South Vietnam, and the United States upon the request of South Vietnam, are engaged in such collective defense of the south. Their actions are in conformity with international law and with the Charter of the United Nations. The fact that South Vietnam has been precluded by Soviet veto from becoming a member of the United Nations, and the fact that South Vietnam is a zone of a temporarily divided state, in no way diminish the right of collective defense of South Vietnam.

The United States has commitments to assist South Vietnam in defending itself against Communist aggression from the north. The United States gave undertakings to this effect at the conclusion of the Geneva Conference in 1954. Later that year the United States undertook an international obligation in the SEATO Treaty to defend South Vietnam against Communist armed aggression. And during the past decade the United States has given additional assurances to the South Vietnamese Government.

The Geneva accords of 1954 provided for a cease-fire and regroupment of contending forces, a division of Vietnam into two zones, and a prohibition on the use of either zone for the resumption of hostilities or to "further an aggressive policy." From the beginning, North Vietnam violated the Geneva accords through a systematic effort to gain control of South Vietnam by force. In the light of these progressive North Vietnamese violations, the introduction into South Vietnam beginning in late 1961 of substantial U.S. military equipment and personnel, to assist in the defense of the south was fully justified; substantial breach of an international agreement by one side permits the other side to suspend performance of corresponding obligations under the agreement. South Vietnam was justified in refusing to implement the provisions of the Geneva accords calling for reunification through free elections throughout Vietnam since the Communist regime in North Vietnam created conditions in the north that made free elections entirely impossible.

The President of the United States has full authority to commit U.S. forces in the collective defense of South Vietnam. This authority stems from the constitutional powers of the President. However, it is not necessary to rely on the Constitution alone as the source of the President's authority, since the SEATO Treaty—advised and consented to by the Senate and forming part of the law of the land—sets forth a U.S. commitment to defend South Vietnam against armed attack, and since the Congress—in the joint resolution of August 10, 1964, and in authorization and appropriations acts for support of the U.S. military effort in Vietnam—has given its approval and support to the President's actions. United States actions in Vietnam, taken by the President and approved by the Congress, do not require any declaration of war, as shown by a long line of precedents for the use of U.S. Armed Forces abroad in the absence of any congressional declaration of war.

RETIREMENT OF SENATOR  
McNAMARA

Mr. FONG. Mr. President, I wish to extend best wishes to my friend and col-

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league, the able and distinguished senior Senator from Michigan, who recently announced he would not seek reelection this year.

It was with great surprise that I learned the news of his decision to retire. His robust appearance and diligence to the heavy duties of his office led me to assume he would seek another term.

It has been my privilege to serve with PAT McNAMARA on the Committee on Public Works, where he has been chairman for the past 3 years, and on the Special Committee on Aging, where he is chairman of the Health Subcommittee.

I have always found him willing to consider suggestions and amendments of other members of his committees. As a member of the minority party, I am especially appreciative of his willingness to let the minority set forth its views and participate actively in drafting legislation. I am especially appreciative of his cooperation on legislative and administrative matters involving my State of Hawaii.

Of course there were times of disagreement, as sometimes occur among members of different political parties. But it is to PAT McNAMARA's everlasting credit that he could disagree without being disagreeable.

It is to his credit, too, that he has been a staunch advocate of economic development measures: harbor and flood control projects; road construction; and pollution control throughout the United States.

PAT McNAMARA will leave the Senate knowing he has played a leading role in such vital public works legislation as Federal highway acts, nationwide flood control measures, disaster relief, the Economic Development Act, the Appalachian Regional Development Act, public works acceleration, and air and water pollution control acts.

In the field of aging, he was instrumental in establishing a separate Administration on Aging in the Department of Health, Education, and Welfare. He was a leader in enactment of medical care for older Americans.

These are but a few of the important and far-reaching activities of PAT McNAMARA during his 12 years in the U.S. Senate.

As his term of office nears its end, PAT McNAMARA can take pride and satisfaction in knowing he has compiled an extensive record of service to his State and Nation.

He will also take with him the affection and respect of his colleagues.

In closing, I want to extend my warmest aloha to PAT McNAMARA and best wishes for many rewarding and fruitful years after he leaves the Senate.

TAX CREDIT FOR COLLEGE  
EDUCATION

Mr. RIBICOFF. Mr. President, although my proposal to provide a tax credit for college tuition was not accepted by the Senate yesterday, the issue is far from dead. It will continue to be an issue because it fills a vital need in our society. It brings desperately needed

assistance to the working people, the lower and middle income groups, at a time when they need it most. The point is well made in an editorial in the Hartford Times of March 8, 1966, which I ask unanimous consent to have printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

## TAXING COSTS OF COLLEGE

Apparently there's to be no income tax relief soon for parents who feel the severe financial pinch of the costs of college education for their sons and daughters.

Unfortunately, administration leaders have torpedoed Senator RIBICOFF's efforts to get congressional approval of a maximum tax credit of \$325 for certain college expenses. They say that if adopted, the Government would lose \$1 billion at a time when war costs are mounting and the Treasury can ill afford such a drain.

In any instance of tax abatement, unless the need for which the tax is levied disappears, granting relief only means that the burden will fall elsewhere. Furthermore, every time a particular category of taxpayers is exempted (in this case parents) a new special-privilege group is established.

However, the category that Senator RIBICOFF is trying to help is in the vast middle class, upon which college costs fall most heavily.

Our tax laws today are honeycombed with exceptions, exemptions, and special advantages for people of wealth and business interests able to maintain high-priced lobbyists in Washington to plead their case. There is no such lobby for the middle-class parent.

Happily, even if all attempts fail this year, Senator RIBICOFF says, he doesn't intend to relax his efforts to get some kind of tax relief for college costs. He says he will make his tax credit proposal "year in and year out" because he is sure the administration will eventually realize something must be done.

We shall never make any substantial gains in tax relief until a sweeping tax reform program is launched. This Congress has long refused to do. The pleas of able and distinguished men to do something constructive about our hodgepodge of tangled tax laws have been futile.

## THE REORGANIZED CIA

Mr. YOUNG of North Dakota. Mr. President, the Central Intelligence Agency is undoubtedly the most misrepresented and maligned Agency of our Government.

This is understandable because they are in the business of gathering intelligence from all over the world. They are always vulnerable to attack because it has long been the policy of the CIA—and I think rightfully so—not to attempt to defend itself no matter what charges are leveled against them.

Mr. President, I was pleased to read a column in the Washington Post this morning, March 10, by a noted columnist, William S. White, entitled "Reorganized CIA—Making Use of Outside Skills."

From my knowledge of the CIA and their operations—and it is considerable—I believe this article to be an accurate and fair appraisal of the CIA and I wish to associate myself with the comments of Mr. White and especially with reference to its Director, Admiral Raborn.

Mr. President, I ask unanimous con-

sent to have this article inserted in the Record as a part of my remarks.

There being no objection, the article was ordered to be printed in the Record, as follows:

REORGANIZED CIA—MAKING USE OF OUTSIDE  
SKILLS

(By William S. White)

The highly secret Central Intelligence Agency is broadening its communication with Congress, with private American scientists, and with American industry.

Almost, indeed, it might be said that CIA is for the first time gingerly entering ordinary American life—or as much of that ordinary life as its unavoidably clandestine basic cast can possibly permit.

This, the most sensitive of the instrumentalities of the American Government in the cold war has not, of course, dropped and cannot drop its inherent cloak-and-dagger covering for some operations.

Within the limits of bedrock and unalterable security precautions, however, Adm. W. F. Raborn, its Director, has reorganized its whole inner structure and approach to make a wide use of outside skills and talents—and information—never before so widely available to CIA.

The production of scientific and technical intelligence, in consequence, has been immensely increased. This has been principally through the cooperation of world-famous American men of science who have been brought in as cleared consultants. Some American industrial concerns have made large direct contributions of their own.

That Raborn, a professional admiral yet, has become the chief of the CIA in order to liquidate some of its old passion for extreme apartness is not without its irony. When he took over the Agency there was much expressed fear that with a military mind at its head it would more and more tend to operate in darker and darker alleys.

The simple truth is that this has not happened. Nor has Raborn put in some GI system requiring endless saluting of the boss. In truth he has gone to the reverse. CIA was never so little a one-man operation as it is now. The admiral has given to the professional operative who is his deputy, Richard Helms, a degree of power never before held by any man other than the Director himself.

Helms, in truth, actually conducts the day-by-day operations of the Agency. He sits as the CIA representative on the U.S. Combined Intelligence Board. He, as well as Raborn, briefs Members of Congress. The admiral, in short, cheerfully acknowledges Helms' superior savvy as a career intelligence operative. Raborn's simple purpose has been to merge his own executive managerial experience with the intelligence expertise of Richard Helms.

The intelligence community is a small and at heart a closed community and the introduction into CIA of a seadog outsider undoubtedly did not sit well at first within the ranks. But the best information available now is that professional morale is high and not low. This, at any rate, is the estimate of men not involved in the agency but with certain supervisory powers over it.

The admiral seems to have found a way of running a taut ship without making it also a martial one—and a ship, moreover, which can take on outside and purely civilian passengers occasionally with no harm to them or to the professional crew.

One other fact is perhaps worth noting: Not once in Raborn's regime has CIA been caught napping in any major outbreak of trouble for us around the world.

One of his creations, a new form of special intelligence task force for special needs, involving senior operations officers from all arms of American intelligence, is on 24-hour



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attain. His unfailing courage and his relentless determination contributed greatly to the position of eminence this country enjoys throughout the world.

In every sense of the word, he was the guardian of the Treasury and placed his stamp of personal integrity on many major fiscal decisions of this country in modern times.

It was my good fortune, before his retirement, to have had frequent discussions with this outstanding man from Virginia, and I well remember I was consistently given better understanding, clearer insight, increased strength, and encouragement as a result of our friendship and those conversations.

Harry Flood Byrd was surely the foremost champion in our time of the cause of a balanced budget, fiscal responsibility and stability of a National Government. His was a difficult and often personally painful role in an age when spending has become synonymous with votes and when there is cause to wonder whether taxpayers appreciate the savings of billions of dollars by men such as Senator Byrd.

I think that his type of service will prove enduring and that appreciation of his devotion will grow with the years. Surely, none can doubt that our country is stronger for his devotion to it.

Mr. President, it is my wish that Harry Flood Byrd live out his years in peace and good health in his beloved Virginia which he so ably represented. I also hold every confidence that his example will prove an inspiration to his family, his State, and his Nation.

#### POSTMASTER GENERAL O'BRIEN SPEAKS ON VIETNAM

Mr. INOUE. Mr. President, many millions of words have been spoken and written about the Vietnam conflict since this Nation committed itself to help South Vietnam more than a decade ago.

But one of the finest public expressions of our national policy on Vietnam was made February 25 at Des Moines, Iowa, by Postmaster General Lawrence F. O'Brien.

I urge each and every one of my Senate colleagues to read Mr. O'Brien's words very carefully. I respectfully ask unanimous consent to have the full text of the Postmaster General's remarks at the Iowa congressional fundraising gala to be included in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY POSTMASTER GENERAL LAWRENCE F. O'BRIEN AT THE IOWA CONGRESSIONAL FUNDRAISING GALA, DES MOINES, IOWA, FEBRUARY 25, 1966

It's good to be with you tonight.

One of President Johnson's favorite sayings is that "An ounce of work is worth pounds of words." Hard work is the secret of a President's success, of a nation's success, and certainly of a party's success. And tonight this gala is celebrating the results of hard work in the past as well as anticipating and preparing for the important tasks that lie ahead.

Of course, we don't lack for evidence that you have performed diligently and that your diligence has paid real dividends.

Democrats, through hard work, took poor seeds of farm recession planted by Republican farm policy and produced a Democratic State legislature for the first time in 30 years as well as a great bumper crop of Democratic Congressmen in Washington.

The rollout is certainly impressive.

BANDSTRA, CULVER, GREGG, HANSEN, SCHMIDHAUSER, and SMITH—each and every one of them an energetic and effective Congressman who is making his influence, and your influence, felt in Washington every legislative day.

And, of course, while we are calling the roll of leadership, let me salute your great Governor, Harold Hughes, and your outstanding State chairman, Lex Hawkins.

This evening I want to discuss a subject of great concern to all Americans, no matter where they live, no matter how they vote. The subject is Vietnam.

During my 5 years in the White House, I saw this problem grow with ever increasing intensity. It became more and more menacing. It claimed a large portion of President Kennedy's daily attention, as it is now claiming President Johnson's.

While the scope of the conflict in Vietnam may continue, while the violence and terrorism may go on, while the demands on our patience and our strength may remain, I can tell you from my close association with President Kennedy and with President Johnson that one element is unchanged: our commitment to "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival of the success of liberty."

On October 26, 1961, President Kennedy said: "The United States is determined to help Vietnam preserve its independence, protect its people against Communist assassins, and build a better life through economic growth." And he added "we know that the future of the Vietnamese people is not Communist slavery but the freedom and prosperity which they have defended and pursued throughout their history."

In February 1962, in a message to the Vietnamese people for their New Year's celebration, President Kennedy reiterated that pledge, saying: "Let me assure you of our continued assistance in the development of your capabilities to maintain your freedom and to defeat those who wish to destroy that freedom."

And in October 1963, he showed that increasing Communist aggression had only strengthened our resolve to see a free Vietnam. "The security of South Vietnam," President Kennedy declared, "is a major interest of the United States as of other free nations. We will adhere to our policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong. Effective performance in this undertaking is the central objective of our policy in South Vietnam."

Why did President Kennedy—and President Eisenhower before him—choose to commit this Nation to defend a country so far from our shores? Why is President Johnson continuing that commitment?

Why didn't these three Presidents choose instead to say, as did Chamberlain, that we should not be concerned over a faraway country and about a people of whom we know little? Chamberlain told the British people that he brought them peace, and that they should "Go home and get a nice quiet sleep."

Chamberlain and many others did not recognize that Czechoslovakia was the front line of England. They did not see that a scrap of paper signed at Munich would soon mean, not a nice quiet sleep, but bombs in Manchester.

History is full of examples of dead societies that did not learn the harsh lessons of existence.

One of the lessons of existence in this 20th century is that appeasement is but a downpayment on a mortgage that comes due quickly and is payable in blood.

Former President Harry Truman remembered Chamberlain and Munich when he stopped communism in Korea.

His three successors were guided by the lessons of history in choosing to support freedom in Vietnam. One of President Kennedy's favorite stories dealt with Samuel Adams, who later started a little party of his own with some tea in Boston Harbor.

Sam Adams went to call on the British Governor after the Boston massacre. The Governor warned of mass arrests. Sam Adams replied that Americans would not knuckle under to threats and told the Governor that we would fight. Later, he wrote in his diary, "I saw his knees tremble."

It was not Sam Adams' knees that trembled.

For he was on the side of freedom.

And today, our knees must not tremble; our eyes must see clearly that failure to protect freedom in Vietnam will not end the Communist appetite for conquest.

How much better for France to have marched into the Rhineland in 1936, than to go down to defeat in 1940.

How much better for England to have supported its Czech ally in 1938 instead of narrowly averting invasion in 1940.

How much better it was to face down Russian missiles in Cuba in 1962, without trembling knees, than to permit the Communists to blackmail our Nation.

How much better to say, "this far and no further," in Vietnam today than to have to draw the line again and again tomorrow, and tomorrow, always closer to our shores.

Let us remember that in defending Vietnam we are defending Iowa, and Massachusetts, and all the free world.

In sending our fighting men to Vietnam we are assuring that far greater numbers are not called to fight, elsewhere, on another day at a greater cost.

President Johnson has said: "We did not choose to be the guardians at the gate, but there is no one else."

Yes, my friends, there is no one else.

If we do not show the same fortitude now that has marked us in other times and other crises there is no one else and there may be no other time.

In 1823 we could issue a Monroe Doctrine secure in the knowledge that a British fleet would uphold our brave words.

But in 1966, there is no other fleet, no other force, with the will and with the power.

If we do not stand firm, who will? If we cannot support freedom in Vietnam, who will?

If we cannot keep our commitment to that embattled nation, where will we keep it?

If we do not keep our trust with those who trust us now who will trust us or rely on us in the future?

If we look for some corner to hide our trembling knees while we let South Vietnam disappear will the appetite of communism decrease or will it grow?

These are the hard questions I saw John F. Kennedy and Lyndon B. Johnson grapple with.

They are not easy questions and those who suggest easy answers are not serving the Nation or solving the problems.

Thirty years ago this State was in the heartland of American isolationism. I think we have all come a long, long way since then. For most Americans realize that whether they live in Iowa or in Massachusetts, they are united in the quest for a lasting peace with honor. It must, however, be a peace that will once and for all convince the aggressor that we mean business, that we will not sit on our hands while freedom is destroyed.

In a forceful summary of our policy, President Johnson once said: "We don't want

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to bury anyone and we don't intend to be buried.

The President made that statement in one of his first speeches as Commander in Chief, and I believe that our continued firmness will drive this lesson home even in Peking and in Hanoi.

Certainly defending freedom is our historic position—it is our position now and always will be. Every American who believes in our form of government—its accomplishments and its future—will, I am sure, give our President his loyalty, his support, and his prayers as the President pursues this awesome task: the preservation of this democracy.

#### PROPOSED CURTAILMENT OF PROGRAMS UNDER PUBLIC LAW 874

Mr. CANNON. Mr. President, recently I received a letter from a constituent in Tonopah, Nev., commenting on the foreseeable effects of any curtailment of Public Law 874.

My constituent, H. V. Jacobs, wisely points out that this law, which has been so successful and beneficial to our State, recognizes the increasing mobility of our citizens which is the key factor involved in Public Law 874. In my opinion, any curtailment in the existing benefits rendered to the States in the field of education would deal a crippling blow to the present generation attending public schools.

I ask unanimous consent that Mr. Jacobs' letter be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record as follows:

TONOPAH, NEV.,  
February 26, 1966.  
From: Haskell V. Jacobs, chairman, Nye County School Board.

To: the Honorable HOWARD CANNON.  
Subject: Public Law 874.

In a recent board meeting we discussed existing and pending legislation on Federal aid to education and its overall benefit to the State of Nevada and to Nye County in particular.

It is our opinion that Public Law 874 as it now stands, is of far greater significance to Nye County than any recent legislation, and quite possibly to the State as a whole.

We believe Public Law 874 recognizes a problem peculiar to our fine, exploding population and increasing mobility of our working people.

Curtalement in any way of this particular legislation is a matter of grave concern to us. We see nothing in recent legislation that will restore to us what we lose through any curtailment of Public Law 874. This, to us, is a considerable amount of money. I submit the following figures as evidence. For the budget year 1962-63, Public Law 874 furnished us with revenue to the amount of \$33,822; for 1963-64, \$20,447; for 1964-65, \$24,981; for 1965-66, \$42,806; for 1966-67, \$43,000.

It is our opinion that a reduction in this particular area is in no way offset by new legislation.

We note with confidence and pride your efforts in our behalf in this particular matter.

Sincerely yours,  
HASKELL V. JACOBS

#### THE AMERICAN DELEGATION TO MEETINGS AT THE GATT TRADE CENTER IN GENEVA

Mr. BREWSTER. Mr. President, I have just returned from a week in

Geneva representing the United States and the Senate Commerce Committee as congressional advisor to the American delegation to meetings at the GATT Trade Center in Geneva.

These meetings, which were called specifically to consider the ways and means of promoting increased trade with underdeveloped nations were of great importance to the United States and, of course, of particular interest to my own State and to the port of Baltimore through which so much American trade passes.

Mr. President, I am at the present time preparing a complete report on both my formal and informal meetings and conferences with the many representatives of different countries who were gathered in Geneva for the GATT meetings as well as those who were in attendance at the UNCTAD—United Nations Conference on Trade and Development—meetings which were in session simultaneously.

Mr. President, I think it important, in the meantime, that my colleagues in the Senate understand fully the nature of these two organizations and the extent of present American involvement and participation in other international activities which are centered in Geneva and which I had the privilege of visiting during my trip.

The General Agreement on Tariffs and Trade is an international trade agreement which came into force in 1948 and which embraces all the major trading countries of the free world.

It provides a multilateral forum for the reduction of trade barriers and the promotion of world trade in place of the previous cumbersome two-country approach. Equally important, the agreement provides an invaluable code of principles and rules to insure that the tariff reductions negotiated are not impaired by other restrictive devices.

In 1966, the United States is contributing \$338,590 for the entire GATT program, including such major operations as the Kennedy round of trade negotiations which is of vital importance to the trade of industrialized as well as developing countries. It is interesting to note that the costs of facilitating a trade expansion program for the developing countries through GATT are shared among the contracting parties and that the U.S. share is only 15 percent. The Trade Center budget for 1966 is \$306,000 of which the U.S. share is \$46,000.

In the course of my participation in the sessions of the meetings and the many corridor conferences, it was gratifying to note that the International Trade Center which the GATT established in May 1964 has already developed a good record of service to the developing countries in need of the kind of trade promotion assistance not yet available in their own countries.

The representatives of the developing countries in attendance—there were 17 developing countries represented—were forthright in their appreciation of the center's operations. The emphasis of the center's activities has been on providing direct and practical assistance to promote the marketing of a wide variety of commodities by the newer nations

both in other developing countries and in the large established markets of the world. Plans for the future indicate that the center will place special emphasis on assistance to countries wishing to establish or expand their own government trade development organizations.

It is clear that as the economies of the newer countries expand—as their own products find world markets—they will become more important customers for the machinery and plant equipment made in this country which can contribute so much to their future growth.

The United Nations Conference on Trade and Development, which was established in 1964, was still meeting when I left Geneva. The representatives to that meeting were involved in determining the variety of ways in which the trade of developing countries might be expanded.

Mr. President, I believe that the continued close attention of our Department of State and Department of Commerce to the programs and activities of both of these groups—of the GATT Trade Center and of UNCTAD—will be very much in our national interest. In addition, I believe that each of my colleagues and every American should appreciate more fully the astonishing amount of international activity which is the life of Geneva. The record of international cooperation which is being made there through the good will of this Nation and many others, was most heartening and encouraging to me.

Geneva is the site of the European headquarters of the United Nations. There, too, are the headquarters of such U.N. specialized agencies as the World Health Organization, the World Meteorological Organization, the International Labor Organization, the International Telecommunication Union, and the United Nations Committee on Trade and Development. In Geneva are the home offices of such intergovernmental organizations as the General Agreement on Tariffs and Trade, the European Free Trade Association and the International Bureau of Education.

The Red Cross was founded in Geneva more than 100 years ago; and today that city remains the center of that organization's humanitarian efforts. Nearly 100 other voluntary, nongovernmental international associations also have their headquarters in Geneva. They include the World Council of Churches, the Interparliamentary Union and the International Commission of Jurists.

Geneva, in brief, is the scene daily, year in and year out, of an extraordinary complex of international activity affecting the lives of billions of people. More than 100 major conferences are held there annually. More than 3,000 separate meetings were held last year during conferences at the Palais des Nations alone.

Much of what goes on in those meetings is undramatic and therefore, little reported. But out of these sessions have come programs for improving health, raising agricultural standards, expanding education, increasing trade, utilizing outer space satellites for communications and weather forecasting, training manpower in industry, aiding refugees,



the case. The committee was told by the Administrator of AID, Mr. David Bell, that about half of the funds in this category would be spent on permanent type development projects and the other half would be used in the nature of maintenance.

Much of the money in this category will be used to overcome problems caused by our military buildup. For example, the authorization will finance the building of a village to house construction workers at Cam Ranh Bay military projects—\$30 million is programmed to improve port and shipping facilities—most of it for breaking out and operating 10 ships from the mothball fleet to bring about better distribution of AID-financed imports.

I shall not attempt to discuss each program in this category. A breakdown in the report gives further details. But I do want to stress the fact that in spite of Vietcong control over much of the countryside, our aid program can operate in much of the disputed territory. Mr. Bell told the committee that although 25 percent of the countryside was quite secure, they could work in another 50 percent of the rural area with what he referred to as "varying degrees of insecurity." According to his testimony, only about 24 percent of the inhabited areas of the countryside are not reachable by our aid operations at this time.

I might mention that the bill authorizes an additional \$11,622,000 for the refugee program. The Ky government is devoting some 6 percent of its civil budget for refugee relief work this year.

General Ky has pledged that his government will undertake a long overdue program of economic and social reform. The Declaration of Honolulu by the Government of Vietnam promised to eradicate social injustice and build a better material life for the Vietnamese people. If the Ky government does not live up to its promises, we may find ourselves in the position of defeating the Vietcong and losing the war. There is little prospect for a permanent, workable solution to the conflict if the government is not able to command the confidence and support of the people. The government must be looked upon by the people as a friend, not as an enemy.

The Commandant of the Marine Corps, Gen. Wallace Greene, said not long ago after returning from Vietnam:

You could kill every Vietcong and North Vietnamese in South Vietnam and still lose the war.

This, I think, states quite well the enormous task facing the Saigon government. The Ky government has undertaken a new program for pacification which, if successful, should go far in correcting many social and economic ills in the countryside. This program of "rural construction," as the Vietnamese officials call it, is a combination program involving a team approach to providing security, meeting local social and economic needs, and helping establish effective local governments. Some \$20 million in this supplemental request will be used to finance our participation with

advisers and materials in this program. I hope that the Ky government will carry out the program with as much fervor as they displayed in making the pledges at Honolulu.

This bill also authorizes additional assistance to the Dominican Republic, Thailand and Laos.

The supporting assistance authorization will provide \$25 million for a loan to the Dominican Republic. The revolution of last April has created such political and economic instability that the Government's tax revenues are far below normal. This additional assistance will be used for essential government budgetary support and will fill the gap between revenue and outgo and help create more stable conditions which will be conducive to the holding of elections next June.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SPARKMAN. I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I wish to commend the distinguished Senator from Alabama on the tenor of his speech. I think this is by far the most important kind of involvement we have in South Vietnam.

As the Senator said so well, if we have any prospect of achieving any degree of real freedom and independence, any meaningful kind of victory for freedom in Vietnam, it has to depend primarily on education, land reform, economic assistance.

My question to the Senator from Alabama is: Is it enough?

Judging by the committee report, we are authorizing in the supplemental \$25 million, which I understand the Senator said is said for provincial operations—schools, health, water, agriculture improvement, information programs, development of local administration, youth cadre, veteran rehabilitation, Montagnard development, self-help, and so forth—and that compares with \$4.7 billion. As I calculate it, it is 188 times as much as for the military effort. As for all the constructive, positive economic efforts we make in South Vietnam.

If we go back to the basic authorization for this purpose the disproportion is far greater. It was \$24,486,000 for all of 1966 until this supplemental, so the total is less than \$50 million for these peaceful purposes, these constructive purposes, these purposes that build the possibility of a better life and the possibility, the only possibility we have to win, whereas we are spending so much more for these strictly military purposes, as the Senator stated, killing Vietcong. But the military spending for fiscal 1966 will exceed \$12 billion—for a 250 to 1 disproportion.

I agree that we have to spend the military money. I am not one of those who believes that we can let up on our military effort. These things—military and economic—have to go hand in hand. It does not make sense to spend money for a schoolhouse if it is going to be burned down, or to spend money to save lives by eradicating malaria if those whose lives are saved are going to be shot down, or for training administrators, if they are going to be tortured, kidnapped, and killed.

It seems to me that there is a tremendous disproportion here.

Mr. SPARKMAN. May I say to the Senator from Wisconsin, yes, I concede this is not sufficient to do the job. However, it is the request made to get the job started. Undoubtedly we shall be called upon to make further authorizations. I do not know this but probably in the regular authorization bill for foreign aid this subject will be dealt with further.

Mr. PROXMIRE. Let me ask the Senator if it is not true that a strong case can be made for a substantial investment in land reform. There is a situation in some Provinces in which 85 percent of the farmers are tenant farmers.

The Vietcong is using this. Their slogan is "Land for the Tiller." That is a very effective slogan. It favors the tenant farmer. It is a persuasive slogan, when they talk about the gouging that the tenant farmers are subjected to by means of the high rentals of the landlords.

We spend nothing for land reform; that is, we spent nothing for land reform in 1961, nothing in 1962, nothing in 1963, nothing in 1964, nothing in 1965. Now we are proposing to spend a little bit more than \$1 million for 1967. I documented the fact on the Senate floor a month ago that if we were to invest the cost of one week of our military involvement in Vietnam, we could initiate land reform programs that would provide 5 to 7 acres to each of hundreds of thousands of tenant farmers. It would be enough land, under the economic system that prevails there, to give the farmer a stake in the land, by providing him with a workable, viable farm. It would give him a real reason for opposing communism.

Why is it that we seem to be so reluctant to provide this land reform?

Mr. SPARKMAN. In the first place, we are dealing with a supplemental bill. It would provide funds for the fiscal year 1966, which has only about 3 or 4 months more to run.

Mr. PROXMIRE. But there is nothing included for land reform, according to these tables that I have consulted.

Mr. SPARKMAN. There may not be. I agree with the Senator on the importance of land reform. I do not believe, however, that it is something that can be pushed out into open at once. I believe it is something that we should provide in South Vietnam, but that it will come in its time. I believe very strongly that it will come. I would be greatly disappointed if it did not.

I should like to say, also, to the Senator from Wisconsin, that only recently I had a conversation with a retired general of the Army. The general had served overseas in World War II and also in Korea. We were talking about the Vietnamese problem, and this very subject of establishing local governments came up; and also with respect to helping these people to get land to till, and all those things that go with a stabilized civilian government.

This general, whom one ordinarily would expect to be thinking about military operations, felt that it was of such

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essential precondition of a genuine settlement has been achieved. The foremost issue facing the alliance is, therefore, a working agreement on policies toward the Soviet Union.

Another real issue is an understanding with our allies on what it may be necessary and desirable to do to simplify the overproliferated international command structure, preserving its essential elements and strengthening its effectiveness while discarding the tinsel and furbelows—and to meet the costs, political as well as economic, of doing so.

Another down-to-earth issue is burden sharing. In viewing national shares in the costs of protecting the North Atlantic area, inequities are apparent: the burden falls more heavily on some, including the United States, than the others. The problem is bound to become of more concern for the United States because of its relation to our payments difficulties and of our mounting expenditures for defense of other areas of importance to the entire free world. The time is not far off when the allies must squarely face this problem in line with their obligations under article 3 of the treaty for "continuous and effective self-help and mutual aid."

Other practical issues are allied military strategy, including the role of nuclear weapons, the role of the nonnuclear powers in nuclear matters, the size and composition of conventional forces, and such questions as procurement and weapons standardization.

The alliance, like any other political arrangement, requires leadership, and the facts of power impose a special responsibility for leadership on the United States.

Leadership is needed within a national government if divergent interests are not to stymie progress. It is even more necessary in an alliance, where decisions must be the product of the round table and where the highest position any ally can attain is primus inter pares.

The United States will have no one but itself to blame if our preoccupation with other important areas of the world keeps us from showing imagination and sound judgment in the affairs of the Atlantic community—and from showing the largeness of mind needed to reconcile national interests with the needs for joint action.

It may be that under the pressure of events the conduct of Atlantic affairs has gotten into a rut, that issues and approaches have become stereotyped, and that our responses to events have become almost ritualistic. Some new heads may be needed to get the dialog back onto a practical footing.

In any event, the problems of the Atlantic Alliance call for more and better attention on the part of our Government than they are receiving.

#### AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the bill (H.R. 12169) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. SPARKMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, before I discuss this bill, let me make one point clear: I do not consider a vote on this bill as a vote for or against our policies in Vietnam. Many people have regarded the bill as being a statement or restatement of policy. I do not feel that that is true, and I believe that is the feeling of most members of the Committee on Foreign Relations.

Senators must decide for themselves whether they consider a vote on the bill as a vote on the administration's policies. I can only state my own position, that I do not look upon this bill as a vehicle for testing congressional support of past or present policies in Vietnam.

Let me add here that I strongly support our policy in Vietnam, but I do not regard the bill as a reaffirmation of it, and I do not believe it should be considered in that light.

This is not merely a simple bill to authorize additional foreign aid. It is an emergency measure to meet critical needs in Vietnam. The Committee on Foreign Relations has been assured by administration officials that the funds for Vietnam which would be authorized by this bill are essential to our overall effort there. Secretary Rusk told the committee that he regarded "our economic assistance program in Vietnam as equal in importance with our military assistance." He went on to say:

Without our economic assistance, the entire effort to maintain a sound economy and to build for the future would quickly fail.

I share the Secretary's view about the importance of our aid program in Vietnam.

We are out of funds for the program in Vietnam. Last year Congress approved an economic assistance program of \$266 million for the 1966 fiscal year, and events have now so overtaken the estimates on which this was based that this appropriation will be less than half the requirements for the year. All of the supporting assistance funds for the fiscal 1966 program were obligated nearly 2 months ago and the AID officials have been forced to borrow \$96 million from other programs to keep the Vietnam program going. Until these funds are repaid we will not have the money to meet our obligations to international organizations and fulfill other firm commitments. For example, \$18 million was borrowed from the Indus Basin development fund and the AID Administrator told the committee that he fully expects the World Bank to call for those funds on March 31. The AID officials are at the bottom of the barrel and this authorization is needed, both to meet critical needs in Vietnam and to replace the funds borrowed from other programs.

Now let me discuss briefly what this bill does. It will authorize an additional \$415 million in economic assistance in the current fiscal year. The approval of this amount will bring the total appropriations for economic aid this year to \$2,463 million. Of the amount to be authorized, \$315 million is in supporting assistance and \$100 million is for the President's contingency fund.

A total of \$275 million in additional

aid is programmed for Vietnam. The major component is \$175 million which will be used to finance commodity imports. This program serves two basic purposes: it helps counter inflationary pressures caused primarily by the American military presence and it serves as a prime source of Government revenue. It might be helpful to Members of the Senate for me to describe briefly how this program operates.

Our AID people work with South Vietnamese officials in drawing up approved plans for the importation of commodities which will be needed in various segments of the economy. Private South Vietnamese merchants obtain import permits from their Government in accordance with this list. The goods are ordered, primarily from the United States; the Agency for International Development pays for the goods in dollars, and the importer pays the South Vietnamese Government for the goods in piasters, the local currency, at a fixed rate of exchange. Then the South Vietnamese Government uses the proceeds for general budgetary purposes.

The commodity import program is an essential element in Vietnam's budget. In 1966 it is estimated that the revenues derived directly from the commodity import program will be more than the total for all domestic revenues collected by the Central Government. In addition, the customs duties generated by the AID-financed imports will account for additional revenues equal to about 40 percent of total domestic revenues. Without the \$370 million which we will provide for the commodity import program, this year, it is apparent that the South Vietnamese Government could not bear the burden of a major war effort as it is now doing.

Inflation is a side effect of any war and the results are particularly acute in an underdeveloped economy where there is a massive infusion of outside demand. The cost of living rose 40 percent in Saigon last year and if recent news reports are any indicator, the index will go much higher this year. It was estimated during the hearings that the American presence this year will generate demands on Vietnam's economy equal to 45 percent of her 1964 national income. I cannot state that South Vietnam's economy would collapse if our aid were reduced, but it is clear that the effects would be quite drastic. Unless inflation can be kept under control, runaway prices in the urban areas will furnish the Vietcong with fertile soil for creating further discontent. I realize that we cannot control inflation with American aid alone. The South Vietnamese Government must do its share through strong stabilization measures, and I hope that our officials will use the leverage of our aid in every way possible to see that this is done.

In addition to the funds for commodity imports, the bill authorizes \$100 million for expansion of direct aid operations in logistics, construction, welfare, and development projects. I do not wish to leave the impression with Senators that all of this money will be devoted to building a better economic and social structure in Vietnam. This is simply not



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On page 2, line 12, strike out "Sec. 3" and substitute "Sec. 4".

The PRESIDING OFFICER. How much time is the Senator from Indiana yielding himself?

Mr. BAYH. I yield myself 5 minutes, Mr. President. I ask unanimous consent to have printed in the RECORD a memorandum which includes some documentation of facts and figures, which I have received from various agencies of the Government, as well as from business enterprises in this country.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

## MEMORANDUM

MARCH 10, 1966.

From: BIRCH BAYH, U.S. Senate.

Subject: U.S. AID procurement practices for galvanized steel for Vietnam.

The procurement practices of the Agency for International Development for galvanized iron and steel products for South Vietnam have been ill-conceived and poorly administered. These practices have resulted in the following:

1. AID has directly supported the Japanese steel industry in its competition with U.S. steel makers. Contrary to its own policy, AID has purchased Japanese steel plate for Vietnam over the past 12 to 18 months. Recently, instead of enforcing its policy against purchases of Japanese steel, it has changed this policy so that previous illegal purchases are now within the confines of the new policy:

U.S. imports of selected steel mill products from Japan, 1958-65

[Short tons]

1958-----	241, 641
1959-----	623, 846
1960-----	593, 098
1961-----	594, 610
1962-----	1, 068, 005
1963-----	1, 802, 110
1964-----	2, 445, 267
1965-----	4, 406, 298

2. AID has paid prices as much as 60 percent higher for its purchases than other buyers have paid for identical products from the same mills. With the amount of steel being purchased during the current fiscal year, the excess profits being made by foreign steel producers from sales to AID will amount to \$10 to \$15 million.

Prices paid by AID for 32-gage corrugated steel sheets:

In 1963: \$179 plus \$16.50 freight (Korea).  
In 1964: \$270 plus \$16.50 freight (Korea; \$260 plus \$16.50 freight (Taiwan).  
In 1965: \$259.50 plus \$16.50 freight (Korea).

Sirs: We are pleased to offer according to the terms and conditions as stated hereunder:

1. Shipment: Three months after receipt of letter of credit.
2. Payment: By confirmed and irrevocable letter of credit in our favor.
3. Insurance: Insurance coverage will be for the amount of the buyer.
4. Packing: Factory's standard export packing.
5. Validity: Subject to our final confirmation.
6. Remarks: Minimum acceptable quantity per single L/C is 10 M/T of one gage and one size only.

Yours sincerely,

SINCERE STEEL SHEET CORP.

Description	Zinc coating (ounces per square foot)	U.S. gage No.	Size	Quantity	Price f.o.b.-C2 (in U.S. dollars)
Galvanized iron sheets (plain or corrugated): Specifications and tolerances are in accordance with JIS G3302 standard.	0.6 ft.-----	32	3 feet by 6 feet 10 inches or 1 by 2 meters.	Per metric ton.	162.09
	.6 ft.-----	31	do	do	160.65
	.6 ft.-----	30	do	do	167.08
	.7 ft.-----	29	do	do	166.06
	.7 ft.-----	28	do	do	164.02
	.8 ft.-----	27	do	do	160.96
	.8 ft.-----	26	do	do	149.94
	1.0 ft.-----	24	do	do	147.90
	1.0 ft.-----	22	do	do	142.80
	1.0 ft.-----	20	do	do	140.76

NOTE.—This applies to free U.S. dollars only and not for AID fund.

Price list—Galvanized iron sheets, River-Cherry & Brand—Size 1 meter by 2 meters

U.S. Gage No.	Sheets per metric ton	Thickness	Coating (ounces per square foot)	F.o.b., U.S. dollars per metric ton	Freight, U.S. dollars per metric ton
35-----	304	0.198	0.80	\$296.00	\$24
34-----	277	.218	.80	282.50	24
33-----	255	.238	.80	272.50	24
32-----	236	.258	.80	259.50	24
31-----	220	.278	.80	254.50	24
30-----	193	.318	.80	241.50	24
29-----	171	.357	.80	234.50	24
28-----	154	.397	1.00	230.67	24
27-----	139	.437	1.00	219.97	24
26-----	129	.476	1.00	213.00	24
25-----	109	.556	1.00	213.00	24
24-----	96	.635	1.00	213.00	24
23-----	86	.714	1.00	213.00	24
22-----	78	.794	1.00	210.00	24
21-----	71	.873	1.00	210.00	24
20-----	65	.953	1.00	210.00	24

Origin: Korea.

Shipment: Within 3 months after receipt of L/C.

Packing: Standard export packing.

DONGKUK STEEL MILL CO., LTD.,

Seoul, Korea, February 21, 1966.

Messrs. GRIFFIN STEEL CORP.,  
545 Fifth Avenue, New York City,  
USA.

DEAR SIR: We wish to confirm your cable dated February 17, concerning cold rolled steel sheets.

For your information, the price we are importing from Japan is C. & F. average \$140US to USG26-35, 1Mx2M, cold rolled steel sheets, packed in 1 M/T bundle.

We suppose the import from U.S.A. would be difficult for us for the high f.o.b. price and freight.

Yours very truly,

DONGKUK STEEL MILL CO., LTD.,  
SUKWON HA, Director.

REPORT ON JAPANESE PRICES FOR PLAIN AND GALVANIZED SHEETS IN THE TAIWAN AND KOREAN MARKETS

(By the U.S. Department of Commerce)

The United States is generally at a competitive price disadvantage with Japan in export markets for steel products. The Japanese steel industry is one of the world's most modern and, working from coastal locations, is designed to exploit export markets.

1. Export base price, f.o.b.<sup>1</sup> port of origin, cited in American Metal Market, February 21, 1966, for galvanized sheets: Japan, \$130.50 per short ton.

2. The average price per ton for Japanese selected steel products landed in Taiwan and South Korea.

<sup>1</sup> The base prices do not reflect any charges for extras or discounts.

	Short tons	Value	Average value per ton
TAIWAN			
Galvanized sheets and plates, Japanese origin-----	9,784	\$1,696,175	\$173.36
Ungalvanized sheets and plates, Japanese origin-----	86,802	8,627,306	99.39
KOREA			
Plates and sheets, coated or plated with zinc or other base metals, less than 3 millimeters thick, Japanese origin-----	388	79,000	203.61
Plates and sheets not coated or plated, Japanese origin-----	15,224	2,011,000	132.09

Source: Official trade statistics of Taiwan and Korea.

3. AID is supplying South Vietnam with substandard galvanized steel products. The steelplate is thinner than any produced in the United States and it is coated with less than half the amount of zinc specified by the U.S. Bureau of Standards. With the high heat and humidity of South Vietnam, the expected lifespan of the galvanized sheets supplied for use as a roofing material is less than 6 months.

4. The U.S. balance-of-payments position is being adversely affected by AID steel purchases in the Far East. Payment for the galvanized steel products being purchased by South Vietnam is made by letter of credit redeemable in U.S. goods. Foreign steel producers have used this letter of credit to

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tremendous importance that it would do no good to achieve a big military victory and leave that other phase uncared for. He said it would fall to pieces if there were not local governments ready to operate, both for the purposes of maintaining a stable government and also a civilian economy. He said that a victory in arms would then be without purpose.

Mr. PROXMIRE. I think the statement of the Senator from Alabama is a most useful one. He points out that military people, whose responsibility and orientation has been directed toward military achievements, recognize that if we are to have any kind of permanent military success, we have to proceed far more vigorously and progressively in the health, education, administration, and land reform framework if there is to be any success.

I wish to ask the Senator about our education in South Vietnam. I think that this country of ours has done a wonderful job in that field. We have been of great help in encouraging education. In 1955, there were only 300,000 students in school in South Vietnam. Today, there are 1½ million going to school. We have played a great part in that effort and have a great record.

I point out that a large proportion of the Vietnamese cannot finish grade school. The fact is that that amounts to well over 99 percent of the students. The South Vietnamese Government has given power and authority to those with grade school diplomas and the Vietcong, on the other hand, has identified itself with the less educated people. I wonder if it would not be well to think of going forward with a far more imaginative educational system, and finding ways or giving a greater role to those whose education is limited so that there may be both greater support for our side in the war, and a better chance to win a free election after the war.

I realize that this is a complicated question, because it is their Government, and not ours. I am merely raising my voice because, when negotiations and elections come, I am hopeful we will be in a position to prevent a Communist election victory that would destroy much of what our boys have been fighting and dying for.

Mr. SPARKMAN. I may point out that an educational program is part of our regular aid program in Vietnam. This bill carries money, admittedly a small sum, \$2 million, for education, but it is added to what we had already authorized for fiscal 1966.

Mr. PROXMIRE. I just hope this collobry and intervention by the Senator from Wisconsin will help encourage the administration and the Foreign Relations Committee to look with favor on an ambitious, imaginative, progressive program in the areas of land reform, education, and health, where real progress can be made that will give hope of bringing about genuine independence

and resistance to communism. To accomplish this, we must in the familiar phrase, "put our money where our mouth is." To date we have not done this. This bill does not do it. We talked a good fight for social revolution at Honolulu. But the talk has been empty, and the complaints to this effect of Ambassador Lodge, the widely reported bureaucratic restraints on General Lannsdale indicate what a big job we should do now that we are not doing.

Mr. SPARKMAN. I agree with the statement of the Senator. I think he has made a very fine contribution.

To continue with my statement, an additional \$7,500,000 will be provided both Thailand and Laos. In Thailand the funds are needed to meet problems which have arisen because of expanded subversive activities in the northeast. To Laos additional help is needed to stabilize Government control of contested areas and support airlift and refugee operations.

An additional \$100 million would be authorized for the President's contingency fund by this bill. The Congress provided \$50 million for the Contingency fund in the regular 1966 program. The fund is now exhausted, and additional funds are needed to enable the President to meet requirements in potential world trouble spots during the remainder of this fiscal year.

The bill also contains a provision prohibiting contingency fund assistance to any country which allows ships or aircraft under its registry from carrying cargo to or from North Vietnam, unless the President determines that continued aid is in the national interest and reports that determination to the Congress. This is a reasonable extension of two restrictions enacted by Congress last year pertaining to furnishing aid to countries engaged in shipping to North Vietnam.

Finally, the bill contains a provision which permits the use of up to \$1,400,000 in supporting assistance funds for administrative expenses incurred in connection with the Vietnam program. This will take care of the hiring and other administrative burdens connected with the doubling of the size of the Vietnam program.

In summary, I cannot say that the passage of this bill will mark a turning point in the war or in creating a better way of life for the unfortunate people of Vietnam. It does not propose any radical changes in our economic aid program but is primarily an expansion of what we have been doing for some time. Our military build up since the regular aid bill passed last year has created inflationary pressures which cannot be kept in bounds without this additional support. We must be realistic and recognize that the more troops we send and the more bases we build, the more aid we must put in to keep inflation from getting out of control.

Without additional economic aid it is quite possible that inflationary pressures

could lead to collapse of the Saigon Government—with the Vietcong as the only beneficiary.

I do not have any encouraging words to offer Senators on the prospects for any dramatic results in the pacification effort. Only the Vietnamese Government can determine whether this key element in the war effort will succeed. As the late President Kennedy said on September 2, 1963:

They have to win it—the people of Vietnam—against the Communists. We are prepared to continue to assist them, but I don't think that the war can be won unless the people support the effort.

The Ky government is being put to the test in their campaign to convince the people that the Government is their friend. Our hopes and prayers, and the hopes and prayers of our 215,000 men in Vietnam, are with those engaged in this effort.

The need for this money is urgent, and I hope the Senate will pass the bill and send it on to the President without any unnecessary delay.

Mr. BAYH. Mr. President, I ask that the clerk state my amendment to H.R. 12169.

The legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is so ordered; and the amendment will be printed in the Record at this point.

The amendment submitted by Mr. BAYH is as follows:

On page 2, between lines 11 and 12, insert the following:

"Sec. 3. Section 604 of such Act, which relates to procurement, is amended by adding at the end thereof the following:

"(e) Funds made available under this Act shall not be used to finance the procurement of iron and steel products for use in Vietnam if—

"(1) the products contain any component acquired by the producer of the commodity in the form in which imported into the country of production from sources other than the United States or a country designated as a Limited Free World Country by code number 901 in the September, 1964 Geographic Code Book compiled by the Agency for International Development, at a total cost (delivered to the point of production) that amounts to more than 10 percent of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by the Agency for International Development), and

"(2) the total cost of such commodity exceeds by more than ten percent the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed with funds made available pursuant to this Act). No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection."



buy scrap steel from the United States that they badly need and that they normally would have to purchase with dollars.

5. The poor quality steel product that is being supplied at inflated prices accelerates the inflation of the South Vietnam economy. The corrugated steel roofing material which AID finances wears out quickly requiring semiannual replacement and creates exaggerated demands for imports of the steel. Short supply has created an 11 percent increase in the price of this commodity in Saigon in the past month. The excessive profits being paid by AID increases the cost to the South Vietnam users and contributes to the general inflationary pressures.

[From the Japan Commerce Daily, Feb. 23, 1966]

#### USOM TAKES NEW MEASURE FOR PURCHASE OF GI SHEET FOR SOUTH VIETNAM

According to information from dispatches of Japanese trading firms in South Vietnam, USOM (an American agency for the purchase of munitions for South Vietnam) has altered partly its way of buying galvanized iron sheet for South Vietnam as follows:

1. In addition to South Korea, galvanized iron sheet may be bought from other nations including Formosa, Thailand, and Malaysia.

2. So far, the item of goods for barter from the United States has been limited to scrap iron. It is now so prescribed that the volume of scrap iron to be bought from the United States shall be not more than 50 percent. For the balance of 50 percent, other goods may be purchased.

Meanwhile, the steelmakers here belonging to the Tuesday Meeting Club are said to have informally had an agreement with Korean makers of galvanized iron sheet that the steelmakers will not export loam plates to other nations than South Korea.

As a result of the alteration of the purchasing way by USOM, galvanized iron sheet makers in Thailand, Malaysia, and other countries will embark on export of their products to South Vietnam and accordingly request the Japanese makers for more supply of base materials. Therefore, the Japanese makers will be necessitated to adjust export of loam plates to other countries.

By the change in the volume of American scrap iron which the Japanese side is obliged to buy in exporting galvanized iron sheet to South Vietnam with AID Fund as collateral. The volume of American scrap iron to be bought by the Japanese side will be decreased to 60,000 tons from 120,000 tons in exchange for export 40,000 to 50,000 tons of cold rolled steel sheet to South Korea.

[AID small business memo issued by Department of State]

#### SOURCE RULING—GALVANIZED IRON AND STEEL PRODUCTS FOR VIETNAM

A decision has been made by AID that to meet high priority requirements of the Vietnam commercial import program for galvanized iron and steel products, certain Far East countries will be authorized sources under contracts for deliveries to be made on or after February 15, 1966, under the arrangements set forth below. The United States continues, of course, to be an eligible source.

The componentry limitation is waived for purchases in such Far East countries provided:

1. All the components are from free world wide sources;

2. The galvanizing is done in the source country on semifinished material:

(a) Produced in the United States, or  
(b) Produced in the source country, or  
(c) Produced in free world countries from U.S. source scrap to the technically maximum extent; and

3. The source country agrees to accept in payment, an irrevocable letter of credit

titled to purchases from the United States. Eligible purchases from the United States under the letter of credit will be the items with a high iron or steel content which are included under the following AID commodity codes:

Code 660: Iron and steel mill products.

Code 6899: Miscellaneous metal manufactures (high iron and steel content).

Code 761: Metalworking machinery, machine tools and parts.

Code 659: Ferrous scrap (equivalent to the amount actually used in the origin country in the manufacture of the material galvanized in the source country).

It is anticipated that the Philippines, Thailand, Korea, Taiwan, and Malaysia will become approved sources after they have formally agreed to accept the above conditions. Subsequent small business memos will be issued as these countries meet the eligibility requirements.

On January 31, 1966, the U.S. AID (by small business memo No. 64-4A-23) made a source ruling which removed prior regulations which provided a 90-percent content of U.S. goods in galvanized iron and steel products for Vietnam. By this memo, the Agency brought its policy into line with the procurement practices which had been used for the past 12 to 18 months.

These procurement practices have resulted in the purchase of large quantities of steelplate from Japan at a time when competition between the United States and Japanese steel industries is growing more acute.

Previous AID directives have been aimed at removing Japan as a potential source of steel products. Japan has been removed from the list of eligible source countries because of its industrial development. The componentry ratio rulings have been put into effect to protect against indirect support of the Japanese steel industry. Memo No. 64-4A-23 changes the direction of U.S. policy to enable largescale purchase by AID of Japanese steel products—a move widely resented by U.S. industrial and labor sources.

A common size of galvanized steel sheets being purchased by the Government of Vietnam through U.S. AID financing is 32 gage with 236 sheets per ton at a price of \$259.50 per ton. The steel is being purchased from Korean galvanizing mills which use Japanese black plate as base.

The Vietnamese importers are charged \$259.50 per ton for galvanized (32 gage, 236 sheets per ton) purchased with U.S. AID dollars. Similar galvanized can be purchased in the open market for \$162.70 per ton for the same quality galvanized. Thus, those involved in this profiteering operation are making excess profits amounting to \$96.80 per ton merely by selling galvanized to the U.S. AID program. On projected fiscal year 1966 purchases of \$50 million worth of steelplate, the excess profits could range as high as \$15 million.

AID is well aware of the previously stated allegations. Employees in AID, labor leaders, steel manufacturers, and I have urged them to take action to remedy these conditions. Despite this fact, AID determined, in a meeting held Monday evening, February 21, 1966, to withhold further consideration of the source ruling memo in question for 90 to 120 days. AID has also decided to permit the purchase of \$7 to \$10 million worth of galvanized plate for Vietnam under the new ruling. In addition, during the 90- to 120-day period, the Agency expects to process purchases of its fiscal year 1966 requirements for this product which may amount to \$50 million.

Industry sources indicate that they fear the Agency has also decided, but not yet published, similar rulings opening the door for Japanese supply of pig iron and billets.

The steel procurement practices of AID have been widely criticized by the steel industry for many months. Following the is-

suance of the new procurement policy on January 31, I contacted the Agency and asked them to reverse their policy position. Their response to my request and those of other Members of Congress have been answered with a lack of candor and substance and a great deal of sarcasm. It is apparent that we can only stop these practices by legislative action. If we expect the American foreign aid program to provide the maximum benefit to recipient countries and, at the same time, to continue to merit the support of the American people, it is imperative that such practices as have been exposed in the purchase of galvanized steel products for South Vietnam be eliminated. We must not allow U.S. taxpayers' dollars to support and subsidize competitors to the U.S. steel industries in such developed nations as Japan. We must not allow prices paid for purchases financed by AID to be exorbitant and provide excess benefits to foreign or domestic manufacturers.

With the above in mind, I strongly urge you to support the attached amendment to H.R. 12169.

Mr. BAYH. Mr. President, for the sake of saving time of Senators, I shall briefly summarize what the amendment would do.

First, I invite the attention of the Senate to existing practices which we desire to correct. Before proceeding, let me say, in deference to the Senator in charge of the bill, that I have discussed this matter with the chairman of the committee, and I have discussed the philosophy, with which he is in accord, and I must say that he has not seen the final wording of the amendment, but we have tried our best to put in wording which he and I discussed relating to a practice which he agreed was deplorable which had been called to our attention.

This bill and previous foreign aid funds have been used to help in the pacification efforts going on in South Vietnam. We found that one of the items of prestige among the villagers in South Vietnam is a corrugated steel roof over some of their huts. This kind of roofing does away with the necessity of replacing a thatched roof after every major rain or heavy wind.

We plan this year—indeed, during the very next few weeks—to spend approximately \$50 million to purchase galvanized steel roofing for this purpose.

Up until January 31, AID was operating under one of its own memorandums which required a 90-percent-component regulation to be adhered to in the purchase of this particular commodity.

In other words, 90 percent of the commodity had to come from U.S. steel mills and had to be manufactured by U.S. steelworkers, produced in the economy of the United States, in States such as Alabama, Indiana, and other States.

However, for some reason not yet made clear to me, as of that date, AID decided to dispense with that regulation. This was called to our attention, and in investigating it we found that for the past 12 to 18 months AID had not even been policing or adhering to their own regulation, that what they had been doing, what they planned to continue to do, and what my amendment would seek to prevent them from doing in the future, is as follows:

AID has been purchasing steelplate from Japan, sending it to Korea, where it

is then galvanized and sold by AID funds purchased by the Vietnamese.

The most damning feature of this whole practice is that our AID funds are being utilized to pay between \$90 and \$100 a ton more for the purchase of this galvanized roofing material than could be purchased by anyone else who wished to purchase it.

In other words, the specific figures are in the memorandum, which points out that \$96.80 per ton is the difference between what we are receiving through AID and what the Japanese galvanized product can be purchased for on the open market for export.

Another thing which has come to light on close examination is the fact that we found the quality of the material was far inferior to what we demand in our own country under environmental conditions which are not nearly so strenuous as those in Vietnam, because of the high humidity, heat, and moisture content in that country. We do not have to discuss further what this kind of weather will do to a metal product.

But, in looking at this profiteering product being sold with the purchase of our AID funds, we find that it is half as thick as the normally accepted product would be in this country, that it is galvanized only half as much as that required by the Bureau of Standards in this country.

We find that this has a particular "wrinkle" with some of the people engaged in the business in South Vietnam, because if it is manufactured only half as thick they get twice as many sheets per ton. In Vietnam it is sold by the sheet, not by the ton, so they make twice as much profit on it.

Mr. SYMINGTON. Mr. President, will the Senator from Indiana yield briefly?

Mr. BAYH. I am happy to yield to the Senator from Missouri.

Mr. SYMINGTON. I have read the proposed amendment. There have been complaints in my own State about the same matter the able Senator from Indiana brought up, I fully support his position. It ties into many things which my friend, the Senator from Oregon [Mr. Morse] and I have felt about the foreign aid programs for some time.

It shows, in my opinion, that at least to some extent the aid program is not practicing what it preaches with regard to the serious and growing more serious problem incident to our balance of payments.

The PRESIDING OFFICER. The 5 minutes have expired.

Mr. SYMINGTON. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from Missouri may proceed for 1 additional minute.

Mr. SYMINGTON. I hope this amendment will be adopted unanimously by the Senate.

Mr. BAYH. I thank the Senator from Missouri.

The PRESIDING OFFICER. The 1 minute has expired.

Mr. BAYH. Mr. President, I ask unanimous consent to proceed for 1 additional minute.

The PRESIDING OFFICER. The Senator from Indiana may proceed for 1 additional minute.

Mr. BAYH. Let me point out that inasmuch as this material is galvanized in Korean mills and thus sustains, to some degree, the Korean economy, I realize the significance that this might well play in negotiation which the administration is presently involved in, so far as greater Korean participation in South Vietnam is concerned.

I would not want my amendment to be interpreted in any way as interfering with that negotiation, but I see no reason for the United States to pay for Japanese steel as much as \$100 a ton more than they would sell it to anyone else. I can see no reason why we cannot take steel manufactured in this country, ship it as black plate to Korea, let them galvanize it, and let them then sell it to the Vietnamese, minus the huge, almost 60 percent profiteering element involved.

I thank the Senator in charge of the bill, the Senator from Alabama [Mr. Sparkman], the Senator from Missouri and the Senator from Oregon, for their patience and tolerance.

Mr. SPARKMAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SPARKMAN. Mr. President, I had not had the privilege of discussing this matter with the Senator from Indiana prior to a few minutes ago. However, he had discussed it with the chairman of the committee and my understanding is that the chairman of the committee was in agreement with him.

It seems to me that the amendment does have merit. The fact is, I am rather shocked by the fact that such practices are being carried on, because we have been told time after time that when materials had to be purchased under the AID program, none was purchased from the industrialized countries with our dollars.

In other words, that the purchases would be made in the United States, or, if they had to be made in foreign countries, they would be purchased from non-industrialized countries.

I believe that has been the general practice under the AID program. From what the Senator from Indiana has said, it does not seem that that has been carried out in connection with steel purchases.

Mr. BAYH. Mr. President, will the Senator from Alabama yield for just one observation?

Mr. SPARKMAN. I am glad to yield.

Mr. BAYH. The Senator is absolutely right, I wish to show the technicality. I suppose to be correct, the final, finished product, is being purchased from Korea, but the bulk of it is steel which is purchased in Japan, which is an industrialized nation.

Mr. SPARKMAN. What percentage did the Japanese purchase make as compared to Korea?

Mr. BAYH. It was \$140 a ton. AID is buying it for \$259 but we figure galvanizing costs between \$30 and \$40. They are galvanizing it, but we are giving them

the zinc to galvanize it. But here again, I am not debating or arguing the feature of letting the Koreans galvanize it. I am perfectly willing to go along with that feature of it, but it is the exorbitant difference between the price of Japanese black plate and that of the final, finished product, that I think we need to strike at. I believe that the mills can provide that same product, to be galvanized by the Koreans.

Mr. SPARKMAN. I would feel much better about this amendment if the committee had had an opportunity to check into it; but I certainly cannot find fault with it. Therefore, acting as manager of the bill, I am willing to accept it.

I yield back my time on the amendment.

Mr. BAYH. I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. KENNEDY of Massachusetts. Mr. President, last week I submitted for printing an amendment to H.R. 12169, to raise the authorization in the AID supplemental by \$10 million.

The \$10 million increase in my amendment was for a specific purpose. Its purpose was to set aside this increase to be utilized under existing authority of the foreign aid bill for contributions to international agencies, specifically the United Nations, for programs directed toward the humane problems of refugees in South Vietnam.

Some time ago I visited the United Nations, meeting with a number of independent agencies there. I talked with them about the programs they had undertaken in South Vietnam. They indicated that there were a number of U.N. programs currently in Vietnam but on a rather limited basis—as a matter of fact, to the extent of only about \$2 million.

The United Nations agencies involved in those programs are UNICEF, the U.N. Development Program, WHO, UNESCO, ILO, World Food Program, and FAO. Approximately 80 percent of the total expenditures of the U.N. agencies are for social projects such as refugees, education, health, and the like. There was, in addition, a special fund project approved on January 18, 1966, of \$1.5 million for a national technical center in Saigon, principally engineering training.

My conversations with the various agencies in that organization led me to the belief that there could be expanded programs in Vietnam in the field of refugees and in general to help disadvantaged people.

One of the critical needs these various agencies mentioned was additional support. They outlined the procedure which they called funds in trust, to which a country, or a foundation, or even an individual could contribute for a specific purpose under the auspices of one of the U.N. agencies.

It was the intention of the amendment to provide that \$10 million could be contributed by the United States after a request came from the South Vietnamese Government to the agencies for pro-



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grams which would help in the field of refugees and in meeting civilian needs.

I understand this amendment was considered by the Foreign Relations Committee in executive session. And I understand, it was considered to have a meritorious purpose.

It was determined within the Foreign Relations Committee, that there were sufficient funds available under the contingency section of the supplemental measure to meet the needs.

As a matter of fact, I received a letter from Mr. David E. Bell, Administrator of AID, on this subject which I ask unanimous consent to have printed in its entirety at this point in the RECORD. But first Mr. President, I would like to read two sections of the letter.

Mr. Bell writes that:

The Agency for International Development welcomes your active interest and efforts in this matter, but we believe sufficient legislative authority and—assuming passage of the supplemental request—funds are available to meet foreseeable needs.

In the last part of the letter it is stated:

I can assure you that the United States will support such feasible and constructive U.N. programs as are requested by the Government of Vietnam to meet the needs of the civilian population.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE, AGENCY FOR  
INTERNATIONAL DEVELOPMENT,  
Washington, D.C., March 10, 1966.

The Honorable EDWARD M. KENNEDY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR KENNEDY: You have asked for comment on your proposed amendment to authorize additional funds to assist U.N. and other international organizations social and economic programs in Vietnam, particularly those directed to meet the needs of the civilian refugee population.

The Agency for International Development welcomes your active interest and efforts in this matter, but we believe sufficient legislative authority and—assuming passage of the supplemental request—funds are available to meet foreseeable needs. A major effort is now being undertaken to meet the problems of the Vietnamese refugees. This assistance will be furnished under the existing authority of section 401 of the Foreign Assistance Act.

In addition, the President is authorized under section 451(a) of the Foreign Assistance Act to use the contingency fund for this purpose. The supplemental request for the contingency fund (\$100 million) provides the necessary flexibility to meet any sudden increases in the need for refugee assistance. The contingency fund may be used for direct U.S. assistance, or may be used to support programs of international organizations.

Under existing authority of section 301 of the Foreign Assistance Act, the President is authorized to make voluntary contributions to international organizations for their work in Vietnam. Efforts are being made to increase the assistance which the U.N. and its specialized agencies are extending to Vietnam, and if additional U.S. contributions are required, funds available from the supplemental appropriation can be used. I can assure you that the United States will support such feasible and constructive U.N. programs as are requested by the Government of Viet-

nam to meet the needs of the civilian population.

Sincerely yours,

DAVID E. BELL.

Mr. KENNEDY of Massachusetts. I am satisfied at this point that the purpose for which this amendment was intended to be introduced has been met; that Mr. Bell has indicated it is the intention of the United States to support U.N. agency efforts in meeting civilian needs in Vietnam; and I want at this time to express to the Senator from Alabama and to all members of the committee appreciation for their consideration of this matter.

Mr. JAVITS. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. I yield to the Senator from New York.

Mr. JAVITS. I am a member of the Senator's subcommittee. First, I wish to state that I stand with the Senator in his desire to have the United Nations facilities used in this respect. The U.N. can play a very constructive role in Vietnam and particularly in the refugee problem.

I, too, have had the privilege of talking with the agencies. I have talked in particular to Prince Sadri Khan, the High Commissioner of the U.N. for refugees. We agree that it would be a most constructive act.

So I join with my colleague in his efforts.

I would like to make one point. I was in Vietnam, as was the distinguished Senator from Massachusetts. United States policy is that the Saigon government is essentially responsible for the needs of the refugees, and that this government is not doing as well as it could or should about the refugees. The administration and care of the refugees in refugee camps is the responsibility of the Saigon government. I think that should be emphasized. But it is also true, and must be equally emphasized, that the United States has the responsibility to prod the Saigon government into taking more effective measures for and making more funds available to the refugees. The President of the United States says that we are interested in these unhappy people, but the amount of money budgeted to help them does not show a great enough recognition of the humanitarian problem of the refugees. We must give more, and we must see that what we do give actually reaches the hands of the people who need it.

Mr. KENNEDY of Massachusetts. The Senator from New York is correct in that observation. It has been mentioned that we are putting up some funds. I think the Senator will admit that the funds are woefully inadequate.

Mr. JAVITS. Completely.

Mr. KENNEDY of Massachusetts. I think the Senator will realize that the present bill provides only \$20.3 million for total refugee support. About \$4.6 million of this is the estimate of Public Law 480 products for refugees; another \$4 million is for logistics, provincial operations, and medical support; leaving a total of only \$11 million for refugee relief out of the entire supplemental amount of \$415 million. And of the \$11

million for refugee relief, some \$10.6 million was obligated last fall. So hopefully, we are talking about \$1 million left for the relief of our 700,000 people.

Mr. JAVITS. Woefully inadequate.

Does the Senator from Massachusetts agree with me that the Saigon government, which has not done nearly as much as it should do with respect to the refugee problem, should do something more, and that if the refugee program is made a strong one, it will be one of the most effective anti-Vietcong forces? These refugees represent those very same people who used to live in the villages run by the Vietcong. These are the people whose hearts and minds we must win in order to pursue our real objectives in Vietnam. If they are left in squalor, the military effort will be to no real avail. We in the Senate must insist that the refugee problem is properly taken care of.

Mr. KENNEDY of Massachusetts. I agree with the Senator from New York. But I would note that in the last 2 weeks there has been a reorganization undertaken in Saigon. Additional expressions have been made by Mr. Bell and others in authority with respect to the organization and commitment of the Saigon government of additional funds.

As a member of the Refugee Subcommittee, the Senator from New York was extremely helpful in developing recommendations which were introduced in the Senate, outlining the specific areas in which there can be progress made.

Mr. JAVITS. The Senator from Massachusetts is the chairman of the subcommittee. Of course, we would have to have the consent of the chairman of the full committee [Mr. EASTLAND], on this, but would the Senator not think we should have hearings on this matter so that the dimensions of it may be brought to light, and so the problems involved may be exposed, so we may thereby get more help in solving it?

Mr. KENNEDY of Massachusetts. We will certainly continue the series of hearings that were commenced last year and continued for many months. I do feel that we are hopeful that the recommendations made in the last report will be considered and considered constructively and, with the help of the Senator from New York, we shall continue to oversee their implementation.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr. MONROE in the chair). Does the Senator from Massachusetts intend to offer his amendment?

Mr. KENNEDY of Massachusetts. Mr. President, I feel that I have sufficient assurances that both the financial resources and the intent to use these resources are present for these U.N. programs to get underway in Vietnam. Therefore, I do not feel it necessary to press this amendment at this point in time.

Again, I appreciate the interest that has been shown by both the Foreign Relations Committee and the Department of State in this matter.

Mr. SPARKMAN. Mr. President, I ask that I be recognized for 5 minutes.

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The PRESIDING OFFICER. The Senator from Alabama is recognized for 5 minutes.

Mr. SPARKMAN. I thank the Senator.

The Senator from Massachusetts has done a real service, in pointing up this problem, not only on the floor of the Senate but in the hearings held by his subcommittee and in the report that he has issued as a result of those hearings. The report is informative and interesting, and I commend its reading to every Senator.

I certainly believe that he has a strong point in urging the necessity of doing something further for the refugees. I believe that he refers to refugees and defectees in the report.

Mr. MORSE. Mr. President, I rise in opposition to the bill for the following reasons: The first point I wish to make is that the Senate is again abdicating, in my judgment, its obligations and duties to the American people in the field of foreign aid.

Here is a so-called supplemental bill for an additional \$415 million of foreign aid. Let us face it. This is an additional \$415 million of foreign aid, and a refusal on the part of the Senate—certainly on the part of the Foreign Relations Committee of the Senate—to adopt a policy that will save the American people hundreds of millions of dollars of foreign aid elsewhere in the world.

My position in the committee and now on the floor of the Senate is that if we are going to give an additional \$415 million in a package to Vietnam, the Dominican Republic, Laos, and Thailand, we ought to give the taxpayers assurance that we will save at least that much of foreign aid expenditure elsewhere. This administration is doing great damage to our domestic program by not providing the necessary funds to support a strong domestic program.

Except in war areas, such as southeast Asia, there is a greater need for this administration to support the domestic aid program in the United States than to support the wasteful, inefficient, and corruption-causing foreign aid program that it has been supporting in many parts of the world.

This administration is continuing to waste hundreds of millions of dollars of the taxpayers' money as it sends that money down wasteful drains in foreign aid around the world. We cannot get an understanding out of the Senate that if we give an additional \$415 million for foreign aid in southeast Asia, the Senate will commit itself to the taxpayers of the United States to save an equal amount elsewhere in the world.

This administration wants this additional \$415 million and wants to continue the foreign aid at the increased level that its plans for the next fiscal year encompass. What will be the end of this?

At the same time, we cut the milk program for the schoolchildren in the United States. We are for milk for Hotterbotts. I am, too, but I am for milk for the undernourished little boys and girls in the United States who will be lost if we do not check this President.

Let me tell where the responsibility is. I do not go along with my colleagues in

the Senate who are trying to save the President from responsibility. This is the responsibility of the President of the United States, and of no one else. Do not give me the argument of passing the buck to the Budget Bureau or the State Department or the Department of Defense. This responsibility rests right on the lap of the President of the United States.

I say to the American people, "Hold him responsible, for it is his responsibility."

We have a program here, let me say, for an additional \$415 million without any commitment from the Senate that it is going to cut off at least that amount wherever it can cut it, in foreign aid programs elsewhere in the world.

My first point is that we should not pass this bill today unless we first agree to an amendment that would require the saving of at least \$415 million out of other foreign aid programs in non-combatant areas of the world.

I wish now to discuss my first amendment. I send it to the desk and ask that it be read for the information of the Senate. I do not offer it now.

The PRESIDING OFFICER. The amendment will be read for the information of the Senate.

The legislative clerk read as follows:

On page 1, lines 6 and 7, strike out "\$684,200,000" and substitute therefor "\$671,700,000."

Mr. MORSE. What this amendment does, Mr. President, is cut the figure of \$25 million of additional aid to the Dominican Republic provided in the bill to \$12,500,000.

I presented this amendment in the Foreign Relations Committee, and only three of us voted for it, but that does not mean that I was mistaken. In fact, Mr. President, in my judgment, the larger the vote against me in the Senate these days, the more convinced I am of the correctness of my position, because I know what produces those votes.

Mr. President, here we are, intervening in the Dominican Republic at great loss to our prestige in Latin America. As chairman of the Subcommittee on Latin American Republics Affairs, I say that history is going to show that our course of conduct in the Dominican Republic will be a sad story, a black chapter against our country in future history books.

We are intervenors in the Dominican Republic, and have been from the very beginning. We have been from the very time when it was first made known to the people of the United States that the military junta that was ruling the Dominican Republic at the time had sent a cablegram to our Government saying it could not protect American nationals, and therefore we should send in the Marines.

But the administration forgot to tell the American people that our Ambassador in the Dominican Republic asked that military junta to send that cablegram. We were intervenors from the beginning, Mr. President, and we have lost credit free throughout Latin America because of that course of action.

Let us face reality. We proposed \$25

million, and I am saying—although I would not have us intervening at all, we are there—that the realities call for our cutting that in half, and saying to the other Latin American countries, "Where are you? Are you unwilling to put up the other \$12½ million?"

Where is the Organization of American States? Has it become just a facade? Has it become just a symbol? Or is it to be an activating body, in accordance with its charter, to help maintain peace and help bring about stability in troubled zones in Latin America?

The time has come for our country to serve notice on the countries of Latin America that if they do not recognize a mutuality of responsibility for maintaining peace and stability in Latin America, we are going to stop footing the bill and putting ourselves in a position where we are being attacked—and with justification, I am sorry to say—as returning to a policy of American intervention in Latin America.

That policy, Mr. President, is creating Communists by the thousands throughout Latin America. That policy is playing into the hands of Communists in Latin America. For that policy is a policy of supporting military juntas and walking out, again, on freedom.

Oh, I know that the present administration, including the Secretary of State, Mr. Vaughn and Mr. Mann and others, do not like to hear anyone document the many instances in which we have walked out on freedom in Latin America; but we have been walking out on freedom in Latin America and the Dominican Republic.

I have received a letter, under date of February 16, from Juan Bosch, the former President of the Dominican Republic, overthrown by the military junta which we supported instead of constitutionalism in the Dominican Republic—which was one of our later examples of walking out on freedom in Latin America.

Mr. Bosch writes me, under date of February 16, as follows:

DEAR FRIEND: According to the cables which have been published here Mr. John Vaughn declared to you that the Government of the United States had given my government \$65 million.

Mr. Vaughn has proved with his declaration that he is either an inept official or that he does not tell the truth. My government received from the United States \$34,700,000 in cash, part of that sum through the sugar grant which had been retained and which was therefore Dominican money, and \$15,800,000 in agriculture surpluses, food of Care and Caritas, and services of the Peace Corps.

I want to clarify to you that my government did not spend the \$34,700,000 in cash, but less than \$20 million. The remainder was used by the triumvirate which governed after the coup d'etat of 1963.

In the name of the Dominican people I want to thank you for the energetic defense which you have made the law of nonintervention without which it is impossible to maintain international comity.

With cordial regards.

JUAN BOSCH.

Mr. President, our democratic friends in Latin America recognized the soundness of the position of Juan Bosch. I think it is most unfortunate that we are again stamping ourselves, in this bill, as interventionists, by saying that we will



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put up the whole \$25 million which our authorities say is needed to carry out the program that they envision—although I have a great many reservations as to that program, by the way. But we may as well accept the major premise that that program will be carried forward. Every Senator knows that we are going to have the program. We do not have a chance to stop it yet. We will have to wait for the American people to vote, in the future, before we shall be able to stop our unsound foreign policy. So we are confronted with the fact that faces us today: The administration has the votes to continue its unjustifiable policies of intervention in Latin America.

The bill calls for \$25 million; but I think, Mr. President, we ought to get some support. At least we should demand that half of the money should come from the other Latin American countries, and find out what leaders in Latin America there are who will come in and make at least a reasonable contribution to what should be an OAS program and not a U.S. program. Much of the difficulty in Latin America stems from the fact that it is a U.S.-dominated program, and not an OAS-dominated program. Until we return to the policy of mutuality upon which the OAS charter is based, we shall continue to create a blackened image for ourselves throughout Latin America, to create Communists by the thousands, and to walk out again on freedom in Latin America.

Mr. President, I call up my amendment on the Dominican Republic.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, lines 6 and 7, strike out "\$684,200,000" and substitute "\$671,700,000."

Mr. MORSE. Mr. President, I yield myself 15 minutes.

I said earlier that in my judgment the United States stands convicted as an intervenor in the Dominican Republic; that in my judgment that intervention cannot be reconciled with the charter of the Organization of American States. Earlier in my speech I read the letter from Juan Bosch, the former president of the Dominican Republic, who, as we know, was overthrown by a military junta that the United States, to its historic shame, supported, and subsequently it intervened with military forces, and for all intents and purposes is now the dominant force in the Dominican Republic.

That is the record, Mr. President. I want to see us change that record. There is no hope under this administration of the United States stopping its policies of military intervention in the Dominican Republic and anywhere else in the world that it is decided we ought to take the position of determining for other people what their course of action should be within their own area.

But, Mr. President, I do think that the time has come when we should insist that other Latin American countries assume some responsibility, including financial responsibility in respect to such a situation as presently exists in the Dominican Republic.

I make this plea to the American people for I am talking more to the American people today than I am to the Senate. It is only the American people who can bring the Senate under control, and also the Johnson administration.

I want the RECORD to show what our assistance has been to the Dominican Republic from the date of April 24, 1965, to March 5, 1966.

Mr. President, for supporting assistance grants for Government operations and maintenance, \$86,300,000. That consists of funds administered through OAS, \$57,000,000; and funds administered AID, \$29,300,000. For technical cooperation grants \$4,636,000. The latter sum is broken down as follows: Agriculture, \$941,000; education, \$396,000; transportation, \$212,000. For public administration, and that means to pay for running their government—and do not forget to pay for running a government that has been characterized by military junta domination—\$1,161,000. For community development, \$128,000; and for other projects, \$1,718,000. For development loans, \$5 million; food for peace, \$7,858,000; military expenses—over and above, may I say, the \$86,300,000—\$31,300,000. That is for expenses over and above that normally required to maintain our forces, and assistance to other members of the Inter-American Peace Force.

This is a tremendous sum of money, for when one adds to the \$25 million that is called for by this supplemental, one gets the grand total of \$142,600,000 of aid to the Dominican Republic starting April 24, 1965, not including the large amount of aid we have given to the Dominican Republic prior to April 24, 1965.

Now, what is the senior Senator from Oregon trying to do with regard to this amendment? I am trying to call a halt to our paying the total bill. I am trying to find out whether or not we have any financial support in Latin America, as well as policy support. I would like to eliminate the entire amount.

The OAS or the members thereof should pick up this whole bill of the additional \$25 million, if needed. I have grave doubts whether it is needed, but I have to proceed on these assumptions.

It would be helpful if the United States said that we will pick up one-half of this, but others should put up \$12½ million. It would be helpful to our Latin American friends.

We have not only the expression of Juan Bosch in the letter that I read earlier this afternoon in the Senate, but our democratic friends in the few countries in Latin America in which there still exist so-called democracies, would be greatly encouraged if they could taper off the intervention on the part of the United States in Latin America.

I have urged the amendment on that basis. I urged it earlier as I said in the Foreign Relations Committee. Senator CLARK and Senator FULBRIGHT voted with me. But the fact that others did not vote with me does not mean that there was not great sympathy for the position of the senior Senator from Oregon.

But what is the excuse that the majority on the Foreign Relations Committee have in regard to this amendment and other amendments? I shall talk about the other amendments such as the Fulbright amendment and the McGovern amendment and other amendments offered, when I go to the bill proper. They say, "This bill is not the proper vehicle." The difficulty in the Senate is that we can never find the proper vehicle for Senators who have great reservations about this administration's foreign policies, for Senators greatly concerned about what they have been drawn into by this administration's foreign policy, are prone, whenever there is a vote on the floor of the Senate, to get up and say, "I want to tell you what my vote does not mean. My vote does not mean that I am giving a blank check. My vote does not mean that I approve the escalation of the war. My vote does not mean that I am giving carte blanche authority. My vote does not mean this or that."

But they still vote to continue that very policy, and I say in all fairness to the administration, that the language makes it perfectly clear what their votes mean. The fact is that Senators have been giving the administration carte blanche authority. The fact is that Senators have been giving the administration the authority to exercise the arbitrary discretion it has been exercising in foreign policy in regard to foreign policy votes.

I want to see this practice tapered off. This is a good place to start. We should say, "We will not give you \$25 million; we will give you \$12.5 million. Then we will see if other countries in Latin America will accept the opportunity to contribute at least a part of the cost."

If we continue our present course of action, we will end by financing Dominican Republic affairs for some time to come, and if military juntas elsewhere observe that this practice is so profitable, we shall be encouraging other military juntas to follow a similar course of action. There is no doubt that we are already discouraging our democratic allies in Latin America.

Mr. President, I am sorry that the majority leader is not in the Chamber, for he has assured me that he will help me to obtain a ye-a-and-nay vote on any amendment that I shall offer today. I have finished my case on this amendment. I should like to have a ye-a-and-nay vote on the amendment. If it meets with the pleasure of the acting manager of the bill, I should like to suggest that there be a brief quorum call, to bring enough Senators to the Chamber, so that we may decide whether it will be possible to have a ye-a-and-nay vote on my amendment.

Mr. SYMINGTON. Mr. President, if the Senator from Oregon will yield I will make a few remarks; and then shall be glad to suggest the absence of a quorum, in an effort to obtain the yeas and nays for a vote on the Senator's amendment and shall support the Senator in his effort to obtain a ye-a-and-nay vote.

Mr. MORSE. Very well.

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The PRESIDING OFFICER. How much time does the Senator from Missouri yield himself?

Mr. SYMINGTON. Do I correctly understand that I have 15 minutes in opposition to the amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. SYMINGTON. I yield myself 12 minutes.

NEED FOR FULL \$25 MILLION SUPPLEMENTAL AUTHORIZATION FOR DOMINICAN REPUBLIC

I urge the rejection of this amendment.

As a result of severe economic and political instability following the April, 1965 revolution, additional supporting assistance funds—\$25 million—are necessary to:

First, Help the provisional government create and maintain the kind of stable environment which is essential if the elections planned for June 1 are to be held.

Second, Help the provisional government meet current and necessary obligations so that a newly elected government is not faced with an immediate financial crisis which would threaten its existence.

A cut from the \$25 million supplemental request could seriously impair these objectives and undermine U.S. efforts to secure a more stable and progressive future for the Dominican Republic.

A cut would reduce the amount now planned—\$15 million—to help finance current budget expenditures of the Provisional Government. The full \$15 million is required for wages of employees and other operating costs which are essential simply to maintain a functioning Government prior to the June elections.

A cut would also reduce the \$10 million which AID plans to use for public works activities in the Dominican Republic—community development, assistance to agriculture, road maintenance and irrigation rehabilitation. These kinds of activities are all-important in the coming months to improve the life of the people and to provide more than 62,000 man-months of employment.

Other nations in the Western Hemisphere have responded to the call for assistance to the Dominican Republic following the April revolution. Argentina, Brazil, Chile, Colombia, Guatemala, Mexico, Peru, Panama, Uruguay, Venezuela—all have responded generously. Mexico, for example, has contributed many tons of food and valuable supplies of medicine as well as more than 1,000 tons of needed foods. In addition, five Latin American countries—Brazil, Costa Rica, Honduras, Nicaragua, Paraguay—have provided troops for the Inter-American Peace Force in the Dominican Republic.

The committee considered—and rejected—a proposal to cut the funds for the Dominican Republic. The full amount is needed if the U.S. objective of a stable Dominican Republic is to be achieved.

Mr. President, I shall now speak briefly on the bill itself.

#### VIETNAM AID BILL

We are being asked to approve an amendment to the Foreign Assistance Act which would authorize in fiscal 1966 the appropriation of an additional \$275 million in economic assistance for South Vietnam, \$7.5 million for Thailand, and \$7.5 million for Laos.

The Committee on Foreign Relations has reported out this amendment by a vote of 13 to 1. In addition, two amendments which, in my opinion, would have worked against our position in Vietnam were defeated in committee by votes of 13 to 6 and 14 to 5.

These votes made it clear to friend and foe alike that an overwhelming majority of the Committee on Foreign Relations wants to provide all necessary support for our troops in South Vietnam.

Some opposition, nevertheless, has been expressed on the grounds that the adoption of this amendment would be tantamount to accepting the President's view of the powers which have been granted him under the Tonkin Gulf Resolution, the SEATO Treaty, and the U.S. Constitution; also that its passage would involve an extension of American military commitments.

I do not propose to debate here what commitments this Nation has already made to Vietnam, or for that matter to Laos or Thailand; nor do I think it profitable to discuss at this point whether the granting of economic assistance necessarily carries with it a commitment to supply military aid in the future if such aid is later required. For the fact remains that we have already authorized the appropriation, in fiscal 1966 of over \$266 million in economic assistance for South Vietnam, \$55 million to Laos, and \$24.5 million to Thailand. Can it be seriously argued, for example, that adding \$7.5 million to the \$55 million we have already authorized for Laos somehow changes the nature or extent of the American commitment? I do not believe so. Whatever military commitments already exist will neither be enlarged nor diminished by the adoption of this amendment.

What is before us is not either the nature, or the degree, of the American commitment to other Nations, rather the degree of support that we are willing to provide our own men and their allies in Vietnam. The commitment involved is the commitment to supply these troops with the tools they need to handle the job that has been assigned to them.

For while it is true that today we are being called upon to authorize the appropriation of funds for economic assistance rather than for military support, the fact is, as surely we all realize, that in the broad overall struggle for Vietnam, the items included under the heading of economic assistance are every bit as necessary as items included under the heading of military assistance. To borrow an overused but accurate phrase, we are involved in a struggle for the hearts and minds of the people.

While their jobs may have less glamor and attract less attention, the American provincial representatives assisting in the distribution of food or fertilizer, the doc-

tor injecting penicillin into a Vietnamese child, play roles comparable to that of the foot soldier slogging through the rice paddies.

The free Vietnam which we are seeking to preserve should not be undermined by economic and social chaos and despair; but without these nonmilitary efforts, it would be only too possible to keep on winning military battles while losing the political war.

Much of the funds now being requested for Vietnam go even more directly to the support of our troops. As example, measures for police protection against assassination, torture, and terror will be funded by what we are asked to authorize today.

In this unusual war, it is not enough for our troops to push Vietcong combat units out of an area. The area must then be made secure by winning the positive loyalty of the villagers, convincing them that their interests require identification with the Government. Only then will they reveal the cells of Vietcong terror left behind to reestablish control over the villages.

Only yesterday I read an article which stated that the people in the villages of South Vietnam were now reporting who was or was not in their particular locality among the Vietcong.

And unless those cells are removed and the positive loyalty of the villagers won, that area could fall again into Vietcong hands after the South Vietnamese and our own troops depart. Then once again we and our allies would be forced to engage in the same task of driving out Vietcong combat units.

The task of pacifying these areas, of gaining the support of the villagers, of establishing government within the villages—these crucial tasks are all supported by the funds we are now being asked to authorize.

All Communists in North and South Vietnam, all Communists everywhere, know today that the United States does not intend to be driven out of Vietnam. They believe, therefore, that their only hope lies in a weakening of our determination to see this struggle through; and based on that hope, they watch constantly all that happens in this country, in an effort to find any sign that our determination may be faltering.

Failure to pass this bill could only be interpreted as a failure to back up our combat units and their needed support. It would, therefore, discourage our friends and embolden our foes; and make that much less likely the prospect that Hanoi will agree to negotiations. By prolonging the war it could only lengthen our casualty lists.

On the floor of the Senate we recently passed overwhelmingly a supplemental defense authorization bill. All the considerations which led us to support that bill should require us to support this bill. Otherwise, we will be failing the men and women in Vietnam who are working and fighting for freedom.

In closing Mr. President, I was sorry to note that an outpost of the Special Forces of the United States, the so-called Green Beret troops, at Ashau, near Laos, has now fallen.



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Three members of the special force team were picked up. We are certain, therefore, that 3 of the 12 got away, and there is a possibility that 6 more got away by means of escape or evasion.

Casualties will be heavy among the some 300 to 400 South Vietnamese troops who were there, because the base is now overrun. We know that because one of the courageous Americans left in Ashau requested that the air attack be directed against the base; that is, against him. Apparently he knew they were, or were going to be, overrun.

My point in bringing this matter up is that all such outposts are working very hard to win over the confidence and trust of the villagers in their respective localities; and the passage of this bill will help them be even more successful in attaining such confidence.

I am certain that this bill will help us in that effort by giving medical supplies, food, and confidence to the people there who want to avoid the aggression and brutal terror of the Vietcong. At the same time, these people naturally fear reprisals if they work with the South Vietnamese and with the American troops.

Mr. President, I yield back the remainder of my time.

Mr. MORSE. Mr. President, I understood from the majority leader that when the Senator from Missouri concluded his talk he would suggest the absence of a quorum.

Mr. President, I suggest the absence of a quorum.

Mr. SYMINGTON. That is what I was going to do.

The PRESIDING OFFICER. Does the Senator from Oregon desire to ask unanimous consent for a quorum call even though all of the time has not been used?

Mr. MORSE. The majority leader suggested that we have a quorum call with the understanding that it will not count against my time. This quorum call would be for the purpose of obtaining the attendance of Senators. It will not be counted against my time.

The PRESIDING OFFICER. It requires unanimous consent.

Mr. MORSE. Mr. President, I ask unanimous consent that there be a quorum call and that the time for the quorum call not be charged against my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The yeas and nays were ordered. Mr. MORSE. Mr. President, how much time do I have remaining on my amendment?

The PRESIDING OFFICER. The Senator from Oregon has 4 minutes remaining.

Mr. MORSE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 minutes.

Mr. MORSE. Mr. President, in my judgment the opposition of the Senator from Missouri to the amendment and his statement in support of his opposition do not meet the major premise that the senior Senator from Oregon has laid down.

I am not questioning the fact that there has been this large expenditure. I am saying that these other countries ought to come in and assist us with the proposal for an additional \$25 million.

The Senator cited a group of Latin American countries that have been of assistance to us in the Dominican Republic. I want to say that their support has been in dribble form compared with what we have spent in intervention. Even in connection with their military forces, we do the paying. We are footing the bill.

I have already in my opening statement called attention to the \$31 billion-plus that we have used to pay for these military operations.

The Senator points out that we are paying this money to governmental sources. That is true. I pointed that out, too. However, when will it stop?

I made my argument for a tapering-off program, but the essence of my argument is that now is the time for us to say quite frankly to the members of the Organization of American States: "You ought to come in under the basis of that charter and assume responsibility for bringing about stability in the Dominican Republic. You ought to be of help to us in changing our image in Latin America."

They have a hand out for all the aid that we will give them, with which to pay for their soldiery and for whatever little they do in connection with assisting in the Dominican Republic. Then, with the other hand they punch our image and point out that what we are doing is following a course of intervention—and we are.

I am asking for intervention by the Organization of American States, and not by the United States.

I am seeking to get it regularized and formalized under the charter of the organization that should be the policy maker in Latin America, and not the United States. This is the place for us—and we would be very generous to do so—to say, "We will put up the \$12½ million of the \$25 million required, but we ask that the other countries put up the rest of the \$25 million."

I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Missouri yield back the remainder of his time?

Mr. SYMINGTON. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Oregon [Mr. MORSE].

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LONG of Louisiana. I announce that the Senator from Indiana [Mr. BAYH], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. HARRIS], the Senator from Arizona [Mr. HAYDEN], the Senator from Minnesota [Mr. MCCARTHY], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Utah [Mr. MOSS], and the Senator from Maine [Mr. MUSKIE], are absent on official business.

I also announce that the Senator from New Hampshire [Mr. MCINTYRE], is absent because of illness.

I further announce that the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan [Mr. McNAMARA], and the Senator from New Jersey [Mr. WILLIAMS], are necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. HARRIS], the Senator from Ohio [Mr. LAUSCHE], and the Senator from New Jersey [Mr. WILLIAMS], would each vote "nay."

Mr. DIRKSEN. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

The Senator from California [Mr. KUCHEL] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senator from California [Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from South Carolina [Mr. THURMOND] would each vote "nay."

The result was announced—yeas 7, nays 75, as follows:

[No. 53 Leg.]

YEAS—7

Byrd, Va.  
Fulbright  
Gruening

Morse  
Robertson  
Russell, Ga.

Young, Ohio

NAYS—75

Alken  
Allott  
Anderson  
Bartlett  
Bass  
Bennett  
Bible  
Boggs  
Brewster  
Burdick  
Byrd, W. Va.  
Cannon  
Carlson  
Case  
Cooper  
Cotton  
Curtis  
Dirksen  
Dodd  
Dominick  
Douglas  
Eastland  
Ellender  
Ervin  
Fannin

Fong  
Gore  
Hart  
Hartke  
Hickenlooper  
Hill  
Holland  
Inouye  
Jackson  
Javits  
Jordan, N.C.  
Jordan, Idaho  
Kennedy, Mass.  
Kennedy, N.Y.  
Long, Mo.  
Long, La.  
Magnuson  
Mansfield  
McClellan  
McGee  
Metcalf  
Miller  
Mondale  
Monroney  
Montoya

Morton  
Mundt  
Nelson  
Neuberger  
Pastore  
Pearson  
Fell  
Prouty  
Proxmire  
Randolph  
Ribicoff  
Russell, S.C.  
Saltonstall  
Simpson  
Smathers  
Smith  
Sparkman  
Stennis  
Symington  
Talmadge  
Tower  
Tydings  
Williams, Del.  
Yarborough  
Young, N. Dak.

NOT VOTING—18

Bayh  
Church  
Clark  
Harris  
Hayden  
Hruska

Kuchel  
Lausche  
McCarthy  
McGovern  
McIntyre  
McNamara

Moss  
Murphy  
Muskie  
Scott  
Thurmond  
Williams, N.J.

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So Mr. MORSE's amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

ABSENCE OF SENATORS CLARK AND SCOTT

Mr. SPARKMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by Senators CLARK and SCOTT on the pending bill.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATORS CLARK AND SCOTT ON H.R. 12169

Mr. President, as members of the Pennsylvania State Planning Board, our presence is required at a meeting today in Harrisburg of great importance to the Commonwealth of Pennsylvania. The board is considering the allocation of funds for the different aspects of the Appalachian regional development program in Pennsylvania.

We want the RECORD to show that if we were present to vote on final passage of H.R. 12169, the bill authorizing the appropriation of an additional \$415 million in foreign assistance for fiscal year 1966, including \$275 million of supporting assistance for Vietnam, we would vote "aye."

#### UNITED STATES-U.S.S.R. CONFERENCE ON MIDDLE EAST ARMS RACE

Mr. JAVITS. Mr. President, I wish to address the Senate upon a foreign policy matter which, at the moment, is not right in the storm's eye in terms of the fact that there is no "hot war" raging there, but which has such potential for mischief that it is important to have it out on the floor of the Senate in order that the country and administration may give it some attention.

One of the most important aspects of the struggle in Vietnam is that the struggle should be on one front only, and that we should do our utmost to see that we do not become involved on other fronts in the world, thereby complicating our problems.

Therefore, I am going to speak now about the arms race taking place in the Middle East.

At a time when U.S. attention, quite properly, is centered on our policy and developments in Vietnam and southeast Asia, a disquieting situation is developing in the Middle East. The buildup of sophisticated arms, threats of renewed warfare in the Yemen, internal discontent and revolts in the Arab States, eruptions of inter-Arab rivalries, and the intransigence of the Arabs toward Israel all represent real and present dangers to Middle East peace.

But even more importantly, the fact that both the United States and the Soviet Union are supplying arms to nations in the Middle East has sowed seeds of another possible confrontation be-

tween East and West, a confrontation that need not occur.

Certainly, the time has now come to launch a major international effort to consolidate the shaky Middle East peace and remove a possible source of conflict between the United States and the U.S.S.R. before, not after, an international crisis erupts in this region. This effort must include two principal elements, and I strongly recommend their implementation by our Government.

First An understanding must be reached with the Soviet Union on the deescalation of the arms race in the Middle East, an arms race not only involving the dispute between the Arab States and Israel, but also the many disputes among the Arab States. To this end, I urge the administration to invite the Soviet Union to a conference for the purpose of ending shipments of arms and materials of war to the Middle East.

I point out, notwithstanding the fact that the Soviet Union is involved up to its neck in Vietnam, this has not stopped the U.S.S.R. from taking the diplomatic initiative, for example, with respect to India and Pakistan as it did in Tashkent. In my judgment the situation in Vietnam would not prevent them from responding to the kind of invitation which I have suggested.

Second. We must do all we can to renew our efforts to promote an understanding between the Arab States and Israel. To this end, I suggest that we use all diplomatic channels open to us and that we do so by urging the convening of a conference of all the nations of the Middle East, and all other nations having vital interests in that region, in order to make practical plans for the development of the entire region, and to pursue the possibility of permanent peace there.

The present lull in actual hostilities in the Middle East is deceptive. The Middle East today is still a smoldering fire which can be whipped into a disastrous conflagration by any of the winds of discontent which continually sweep the area. The fuel for the conflagration is accumulating through the arms race and could be ignited by the ambitions of the United Arab Republic's ambitious President Nasser.

Dangerous as are the prospects of a devastating war in the Middle East, however, the potentials for peace are also within our reach. The world climate favors negotiations as a solution to international problems—the world concern for negotiations to end the Vietnam crisis and the support for the Tashkent talks carried on by the Soviet Union, India, and Pakistan are evidence of this. The U.S.S.R. performed commendably in its role as mediator at Tashkent in the settlement of the longstanding hostilities between India and Pakistan, and certainly in arranging a cease-fire when there was actual war between the two countries. This is a momentum which should not be allowed to be lost.

The Communist East has already given evidence that Middle East talks could serve constructive ends. Just last month, Hungarian Premier Gulya Kallai, in a press conference climaxing his visit

to the Arab kingdom of Kuwait, declared himself in favor of Arab-Israel negotiations.

The blood feud between India and Pakistan dates from 1947, the year those two nations became independent. This was the year before Israel attained nationhood after extensive warfare waged by the Arabs. The internecine battles among the Arab States have at least equally as long a history. If the spirit of Tashkent could bring India and Pakistan together, with the Soviets as a principal arbiter, there is good reason to assay a similar effort among the nations of the Middle East. The United States should now plainly and strongly indicate its willingness to pursue such an effort and make every endeavor to persuade the Soviets to join.

Let us deal with the first prerequisite to such a peace move—deescalation of the arms race. The continued existence of an uneasy balance between opposing forces in the Middle East serves to cloak the most significant change in the status quo since the United States, France, and Great Britain issued the Tripartite Declaration in May 1950, guaranteeing the Israeli-Arab armistice lines. In 1950 the world did not have to contend with a significant Soviet presence in the Middle East. Today—in 1966—the Soviets are very much a power to contend with in that tortured corner of the world.

The Soviets have established themselves in the Middle East principally through their trade in goods of war. It has been estimated that in the past decade the U.S.S.R. has sent more than \$1 billion worth of arms into the Middle East. While these arms have gone principally to the United Arab Republic and to a lesser extent to Iraq and Syria, they have also found their way into other lands—Yemen, for example.

The vehicle for the buildup of Soviet arms into the Middle East has been easy credit. Nations—like some individuals—find easy credit terms hard to resist and end up mortgaging their futures to satisfy their desires. A principal instance of this is the mortgaging by the United Arab Republic of its long staple cotton crop, the principal export commodity of that impoverished country, to the Soviet Union for years ahead.

Soviet arms have had a narcotic effect in the Middle East. The Nations receiving them have demanded bigger and stronger doses while becoming more willing to pay the price for them, even if it means weakening their economies, depleting their resources, and stripping their people. Again the United Arab Republic—now composed only of Egypt—serves as a prime example: it concluded a new arms agreement with the Soviet Union estimated at about \$300 million at about the time it concluded a new agreement with the United States for \$55 million in grain to feed its hungry people.

The dangers brought on by the infusion of Soviet arms can best be illustrated by the situation in Yemen. The press, which in recent months carried reports of a cease-fire and peace negotiations in Yemen, now carries ominous reports of a troop buildup and a new introduction of Soviet arms into that



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cent annually, surpassing that of other developing countries.

And Israel's hard currency reserves now approximate \$700 million, a factor cited by Washington economists to support their thesis that Israel is no longer entitled to U.S. economic aid. While it is quite true that Israel's reserves are high in relation to its normal purchasing needs, it is also true—regrettably for Israel—that these reserves do not flow from any favorable balance in its international trade. These reserves stem from the sales of Israel bonds, which must be repaid; from German restitution and reparations, which are coming to an end and will leave a big hole in Israel's economy; and from U.S. Government economic help which has been much reduced. And—unhappily—Israel's balance of trade continues to be adverse.

Also looming large on the minus side of the ledger is Israel's foreign currency debt of some \$1.2 billion. This is the highest per capita foreign currency debt in the world. Israel, therefore, must accumulate reserves to pay off this debt as it comes due.

This enormous foreign currency debt and the bleak prospects for Israel's foreign currency reserves argue forcefully for the continuation of U.S. economic aid. Israel has proven—and daily continues to prove—a true friend and reliable ally at a time when its Arab neighbors are extending gestures of friendship to the North Vietnamese and to the Vietcong.

Israel, for example, has welcomed for training agriculture and industry future leaders from several score developing nations in Africa, Asia, and Latin America, including Burma, Bolivia, Cambodia, Dahomey, Ecuador, Ethiopia, Laos, Liberia, Nepal, Mali, Tanganyika, Thailand, Upper Volta, and Zanzibar, to name a few. This training is an effective counterbalance to the invitations being issued to these developing countries by Red China, the Soviet Union, and Cuba.

Thus, economic aid to Israel is a wise and proper investment in furthering our own foreign policy and pays proven dividends in strengthening democracy and a reliance upon democratic institutions—rather than communism—in developing nations throughout the world. I most strongly urge that this aid be continued.

But if the Israeli economy is the victim of the arms race, so is the economy of the Arab States, as I pointed out earlier. The United States does the Arabs no favor when we collaborate with them in the diversion for weaponry of their limited resources and energies.

The Arab nations suffer from woefully low standards of living. And food production in Egypt, Tunisia, and Jordan is failing to keep pace with their rapid population growth.

It is quite clear that the best economic aid we could give to these countries—an effort which demands the best of our energies—is to bring about an end to the costly arms race in the Middle East through an understanding with the Soviets and to launch a concerted drive to restore a measure of peace and tranquility to that too long troubled area.

I end as I began, by urging upon our Government and upon the Senate the vital need to do something in the Middle East before we are faced with a second front in respect of the conflict which has taken place in Vietnam.

UN

#### AMENDMENT OF THE FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 12169) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President, with the indulgence of the leadership, I should like to say a word about the measure which is now pending before the Senate, the authorization for foreign aid. I trust the Record will show this as a part of the debate on the foreign aid bill.

Mr. SPARKMAN. Mr. President, may I ask the Senator how much time he desires?

Mr. JAVITS. Three minutes.

Mr. SPARKMAN. It might be well to remind ourselves that we are now operating under controlled time.

The PRESIDING OFFICER. The time on the bill will run now.

Mr. SPARKMAN. Mr. President, as the acting majority leader, I ask for recognition.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 30 minutes.

Mr. SPARKMAN. I yield 3 minutes to the Senator from New York.

Mr. JAVITS. I thank the Senator from Alabama.

The problem concerning refugees in Vietnam has already been discussed. I merely record again the facts set forth in my colloquy with the distinguished Senator from Massachusetts (Mr. Kennedy): First, we should make certain that the refugees are well handled, intelligently handled, and effectively handled. In order to do that, the United States cannot allow the Saigon officials to run the program themselves. We should finance it, or help to finance it, and we should also take the direct responsibility to see to it that what is done is done right.

Having visited Vietnam, I am convinced that roughly 700,000 refugees can be the most effective cadre of any we are financing there for the purpose of dealing with the Communist Vietcong. These are the basic people of the country. They have escaped to us in order to avoid the terror and brutality of the Vietcong. They have every reason to feel deeply angered by what the Vietcong have done in raiding and ravaging camps and killing men, women, and children in cold blood. The Vietcong certainly showed their hand.

So this is an initiative which is critically important to our Nation. I am convinced, from having been in Vietnam, that our people there have left much too much to the Saigon government, a government which is not nearly so sensitive to the refugee problem as we are and does not begin to understand, as we do, its great significance.

My second point is this: When I returned, I urged the President to appoint a special representative who would have a title analogous to that given to Averell Harriman in connection with the Marshall plan in 1948 and 1949. Such a special representative would coordinate all the counterinsurgency pacification efforts of the United States, other than the military; and then, with the military, would adopt policies which would fit in with what the civilian agencies were doing. That effort is now being carried on by U.S. operations men in Vietnam who are administering the AID program, by the U.S. Information Service, by the civil affairs section of the military forces, and by the CIA.

Laudable as are the efforts of each agency, they must be tied together to do a complete job. I know that the President has appointed Ambassador Porter for the purpose, but I have seen little evidence so far of a strong hand to seize control of the situation in order to carry on the program effectively.

Finally, I urge the Government most earnestly to expand the opportunities and goals for a political action training school at Vung Tao, southeast of Saigon, where we are training 3,000 of the finest youth of Vietnam to be cadres in villages and hamlets for general military purposes, and to give leadership in their efforts to bring an understanding of the objectives for which the entire South Vietnamese people are fighting.

I know of no effort that should be higher in priority in all of Vietnam. The goal for this year is to achieve a force of 43,000 of these young people, 23,000 having already been graduated, in the hope of pacifying a thousand or more additional hamlets in 1966. But there are 12,000 to go.

I urge our Government and our authorities to maximize this program promptly, because it deserves parity equal to the valorous military effort which our country is making in Vietnam.

Mr. SPARKMAN. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska.

ECONOMIC AID FOR VIETNAM—WHY IS IT NEEDED NOW?

Mr. GRUENING. Mr. President, the pending bill, H.R. 12169, to amend the Foreign Assistance Act of 1961, comes to the Senate as a matter of supposed urgency ostensibly to authorize additional appropriations for the U.S. AID programs in Vietnam, Laos, Thailand, and the Dominican Republic.

But is is more than that. In transmitting this request, President Johnson stated:

In the last 2 years, in repeated acts of authorization and appropriation, the Congress has provided continuing support for our national decision "to prevent further aggression" in southeast Asia. The quoted words come from the joint resolution of the Congress—Public Law 88-408—approved on August 10, 1964. It is in the letter and the spirit of the resolution that I request this supplementary appropriation.

For reasons which I have in the past detailed, I do not subscribe to our continued military intrusion in Vietnam

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and its steady escalation. I expressed my views in a major speech on the floor of the Senate just 2 years ago today—March 10, 1964. At that time, before we had committed our troops to combat, a reasonable and peaceful settlement would have been more easily attainable had we then gone to the United Nations, as our adherence to the United Nations Charter obligated us to do. We missed that opportunity and plunged our nation into war.

I also have serious doubts as to the need at this time for the additional funds asked to be authorized by the bill for the AID program in Vietnam.

It is difficult for me to support a tremendous request for economic aid for Vietnam at a time when our own domestic programs are being drastically slashed. I cannot understand a request for an additional \$275 million in AID funds for Vietnam—more than a doubling of the program—at a time when our own school lunch program has been cut away back, when milk is being taken away from our children, when our impacted area school aid program has been cut out, and when our war on poverty is diminished—to name just a few of our vital programs here at home that have been sharply curtailed.

The regular AID program for Vietnam for fiscal 1966 totaled \$266 million. That was for the entire fiscal year. But now, for the remainder of that same fiscal year, which has only 3½ months to run, we are asked to authorize appropriations in the amount of \$275 million. This is at an annual rate of over a billion dollars for this tiny country in addition to the amount authorized under the recently passed Asian Bank bill.

I have serious doubts in view of the persistent and flagrant black market in Vietnam, the inflation rate of 40 percent, the widespread corruption and maladministration in that country that the sum requested can be wisely, economically or profitably spent there.

It seems to me that throwing U.S. dollars around in this profligate way can do more harm than good to the people of Vietnam.

As the Foreign Relations Committee so aptly stated in reporting this measure:

The committee finds little room for encouragement under existing circumstances about the prospects for our aid being effective in molding sound economic and social developments leading to a better way of life for the people of South Vietnam.

I am not unsympathetic with the objective of the administration's pacification program and would be pleased to support such a program—but at the proper time. This is not the proper time. An economic aid program can only work in a country which has stable conditions. That is not the case with respect to Vietnam.

As the Foreign Relations Committee has stated:

Until the military situation improves, our aid program is likely to be little more than a holding operation, keeping the wolves of rampant inflation away from the door, and providing relief where needed. The committee hopes that the officials of the South Vietnamese Government will vigor-

ously pursue a program of economic and social reforms as pledged in the declaration of Honolulu. This committee will remain skeptical until words are matched with measurable deeds.

The committee's skepticism is fully justified, and I share it.

Mr. MORSE. Mr. President, will the Senator yield at that point?

Mr. GRUENING. I yield.

Mr. MORSE. Does not the Senator think it is remarkable that we should have a recommendation from a committee for the passage of a bill, while at the same time it files that negative report on the bill?

Mr. GRUENING. It is almost incomprehensible.

The committee's skepticism is justified by the unvaryingly pathetic performance of the various coup-imposed South Vietnamese officials and the 12-year-old failure of our representatives to secure any improvement.

Those self-imposed characters in power in South Vietnam have all come in to the accompaniment of hopeful plaudits by our own officialdom who have been playing the same cracked record over and over while the credibility gap has widened and widened and widened.

For all these reasons, I am constrained to vote against this bill.

Mr. SPARKMAN. Mr. President, I yield 30 minutes to the senior Senator from Oregon.

The PRESIDING OFFICER. The Senator from Alabama had 30 minutes to begin with.

Mr. SPARKMAN. Mr. President, I shall assume the minority control also, if I may, since no Member of the minority is present.

The PRESIDING OFFICER. Without objection, 15 minutes from the time under the control of the majority side and 15 minutes from the time under the control of the minority side will be allotted to the senior Senator from Oregon.

Mr. SPARKMAN. Mr. President, as soon as the minority leader returns, I shall renounce my claim over that time.

Mr. MORSE. Mr. President, I rise in opposition to the bill and in support of the very able statement just made by the Senator from Alaska [Mr. GRUENING].

I agreed to the third reading of the bill a few moments ago because it was perfectly obvious that any proposal of further amendments would be a waste of the time of the Senate. The steamroller is moving. The die is cast. The Senate is again abdicating its power and transferring more and more arbitrary and capricious power to the President of the United States, weakening in this bill again our system of checks and balances and strengthening the increasing danger in this country of a government by Executive supremacy, which is not safe for the freedom of the American people.

The Senator from Alaska was very correct in emphasizing the views of the Committee on Foreign Relations in respect to this bill.

Mr. President, without taking the time to read those supplemental views, I ask

unanimous consent that there be printed at this point in the RECORD the supplemental views of the Senator from Idaho [Mr. CHURCH] and the Senator from Pennsylvania [Mr. CLARK].

There being no objection, the supplemental views were ordered to be printed in the RECORD, as follows:

#### SUPPLEMENTAL VIEWS ON H.R. 12169

It is our view that the situation in Vietnam requires approval of the pending bill and we intend to vote for it. Nevertheless, we believe that the public hearings which the Committee on Foreign Relations conducted while considering this legislation indicate the need for this expression.

Evidence received by the committee, in our judgment, indicates that the reasons for the present size and scope of U.S. involvement in southeast Asia are subject to question. Furthermore, we believe that U.S. involvement there is in danger of becoming "openended," to use the phrase of the Mansfield report, and, as a consequence, that there is a serious distortion of the overall foreign policy of the United States as well as of governmental activities within the United States.

We believe that the amendment proposed by the junior Senator from South Dakota, Mr. McGovern, is a moderate expression of our views. That amendment states:

"(a) The Congress hereby declares that its action in authorizing the additional assistance for Vietnam provided by this Act—

"(1) shall not be construed as a ratification of any policy decision heretofore made with respect to hostilities in Vietnam, or as an endorsement of any future commitment with respect to such hostilities; and

"(2) is taken with the hope that such additional assistance will contribute to an early cessation, rather than a widening, of such hostilities.

"(b) Recognizing the desire of the President to limit the scope of hostilities and to reach an honorable settlement of the conflict and cognizant of the desirability of improved relations between the people of the United States and the people of Asia, it is the sense of the Congress, that United States foreign policy in Asia should seek to minimize the risks of military involvement and to promote orderly economic and social development."

FRANK CHURCH,  
JOSEPH S. CLARK.

Mr. MORSE. Mr. President, I say most respectfully that, with those views, they should be joining me in voting against the bill, and not supporting it.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD a statement of the conclusion of the committee, commencing on page 9 of the committee's report.

There being no objection, the statement of conclusion was ordered to be printed in the RECORD, as follows:

#### CONCLUSION

Foreign aid should not remain sacrosanct when it comes to apportioning the war's financial costs among Federal activities. Belt tightening because of the war must not be restricted to domestic programs but should include our foreign aid programs as well. American citizens should not be called upon to accept reductions in programs which affect their daily lives, see their taxes increased and war costs spiral, while the foreign aid program escapes unaffected and undiminished. A reduction in the aid program will be of help in funding domestic programs proposed to be cut back in fiscal 1967.

The fiscal 1967 appropriations request for economic assistance is \$2.469 billion com-



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pared with a total appropriation for this fiscal year of \$2.468 billion, including the funds authorized by this bill. It appears that programs in other countries have not been reduced to compensate for the increased program in Vietnam. The committee expects that the reductions in the total program will take into account the additional assistance provided here for Vietnam and that the executive branch's presentation to the committee will be in keeping with this intent.

The committee in asking that the budget presentation reflect an appropriate reduction in the proposed program for the next fiscal year does not wish to imply that further economies are not needed in the program for fiscal 1966. Every effort should be made to make savings in uncommitted funds for fiscal 1966 and the committee will expect to receive a full report during the presentation of the 1967 program to the committee on the steps being taken to accomplish this objective.

This aid request is in the nature of an emergency measure and without these additional funds the economy of South Vietnam would be in great danger. The committee has handled this bill accordingly and has not given the nuts and bolts of the package the scrutiny that it would under normal circumstances. Although the committee has approved the bill without amendment, it does not wish to leave the impression that it finds no fault with the aid program in Vietnam or any of the other countries affected.

The committee is concerned about recent news reports of widespread corruption in Vietnam involving our aid. It is hoped that the program is being policed adequately all the way up and down the line by our officials. Recently the General Accounting Office announced that it will revitalize its investigative activities concerning the AID program in Vietnam and conduct on-the-scene audits. The committee approves this decision and urges that the General Accounting Office, the Agency for International Development, and the Inspector General of Foreign Assistance investigating units give very careful scrutiny to all aspects of our assistance program, particularly the commodity import program which is so susceptible to mis-handling under wartime conditions.

The committee finds little room for encouragement under existing circumstances about the prospects for our aid being effective in molding sound economic and social developments leading to a better way of life for the people of South Vietnam. Until the military situation improves, our aid program is likely to be little more than a holding operation, keeping the wolves of rampant inflation away from the door, and providing relief where needed. The committee hopes that the officials of the South Vietnamese Government will vigorously pursue a program of economic and social reforms as pledged in the Declaration of Honolulu. This committee will remain skeptical until words are matched with measurable deeds.

Mr. MORSE. Mr. President, any committee that brings a report such as this to the floor of the Senate, with that statement of conclusion in it, should be supporting me in opposition to the bill and not supporting the bill. When we get all through with the committee report, and with the majority and supplemental views, and when we get all through reading the transcript of record made by the committee in our discussion of this bill, we can only wonder why this bill is being recommended by the Committee on Foreign Relations.

Mr. President, I ask unanimous consent that the conclusion of the so-called Mansfield report be printed at this point in the RECORD.

There being no objection, the conclusion of the Mansfield report was ordered to be printed in the RECORD, as follows:

#### E. CONCLUDING COMMENTS

A rapid solution to the conflict in Vietnam is not in immediate prospect. This would appear to be the case whether military victory is pursued or negotiations do, in fact, materialize.

Insofar as the military situation is concerned, the large-scale introduction of U.S. forces and their entry into combat has blunted but not turned back the drive of the Vietcong. The latter have responded to the increased American role with a further strengthening of their forces by local recruitment in the south and reinforcements from the north and a general stepping up of military activity. As a result the lines remain drawn in South Vietnam in substantially the same pattern as they were at the outset of the increased U.S. commitment. What has changed basically is the scope and intensity of the struggle and the part which is being played by the forces of the United States and those of North Vietnam.

Despite the great increase in American military commitment, it is doubtful in view of the acceleration of Vietcong efforts that the constricted position now held in Vietnam by the Saigon government can continue to be held for the indefinite future, let alone extended, without a further augmentation of American forces on the ground. Indeed, if present trends continue, there is no assurance as to what ultimate increase in American military commitment will be required before the conflict is terminated. For the fact is that under present terms of reference and as the war has evolved, the question is not one of applying increased U.S. pressure to a defined military situation but rather of pressing against a military situation which is, in effect, open ended. How open is dependent on the extent to which North Vietnam and its supporters are willing and able to meet increased force by increased force. All of mainland southeast Asia, at least, cannot be ruled out as a potential battlefield. As noted, the war has already expanded significantly into Laos and is beginning to lap over the Cambodian border while pressures increase in the northeast of Thailand.

Even if the war remains substantially within its present limits, there is little foundation for the expectation that the Government of Vietnam in Saigon will be able, in the near future, to carry a much greater burden than it is now carrying. This is in no sense a reflection on the caliber of the current leaders of Vietnam. But the fact is that they are, as other Vietnamese Governments have been over the past decade, at the beginning of a beginning in dealing with the problems of popular mobilization in support of the Government. They are starting, moreover, from a point considerably behind that which prevailed at the time of President Diem's assassination. Under present concepts and plans, then, what lies ahead is, literally, a vast and continuing undertaking in social engineering in the wake of such military progress as may be registered. And for many years to come this task will be very heavily dependent on U.S. foreign aid.

The basic concept of present American policy with respect to Vietnam casts the United States in the role of support of the Vietnamese Government and people. This concept becomes more difficult to maintain as the military participation of the United States undergoes rapid increase. Yet a

change in the basic concept could have a most unfortunate impact upon the Vietnamese people and the world at large. What is involved here is the necessity for the greatest restraint in word and action, lest the concept be eroded and the war drained of a purpose with meaning to the people of Vietnam.

This danger is great, not only because of the military realities of the situation but also because, with a few exceptions, assistance has not been and is not likely to be forthcoming for the war effort in South Vietnam from nations other than the United States. On the contrary, as it now appears, the longer the war continues in its present pattern and the more it expands in scope, the greater will become the strain placed upon the relations of the United States with allies both in the Far East and in Europe.

Many nations are deeply desirous of an end to this conflict as quickly as possible. Few are specific as to the manner in which this end can be brought about or the shape it is likely to take. In any event, even though other nations, in certain circumstances, may be willing to play a third-party role in bringing about negotiations, any prospects for effective negotiations at this time (and they are slim) are likely to be largely dependent on the initiative and efforts of the combatants.

Negotiations at this time, moreover, if they do come about, and if they are accompanied by a cease-fire and standstill, would serve to stabilize a situation in which the majority of the population remains under nominal Government control but in which dominance of the countryside rests largely in the hands of the Vietcong. What might eventually materialize through negotiations from this situation cannot be foreseen at this time with any degree of certainty.

That is not, to say the least, a very satisfactory prospect. What needs also to be borne in mind, however, is that the visible alternative at this time and under present terms of reference is the indefinite expansion and intensification of the war which will require the continuous introduction of additional U.S. forces. The end of that course cannot be foreseen, either, and there are no grounds for optimism that the end is likely to be reached within the confines of South Vietnam or within the very near future.

In short, such choices as may be open are not simple choices. They are difficult and painful choices and they are beset with many imponderables. The situation, as it now appears, offers only the very slim prospect of a just settlement by negotiations or the alternative prospect of a continuance of the conflict in the direction of a general war on the Asian mainland.

Mr. MORSE. Mr. President, here again I am at a loss to understand how, if the conclusion of the Mansfield report is correct—and I am satisfied that it is correct—the Senate of the United States could vote for this bill this afternoon.

Mr. President, the Senator from Alaska expressed his concern about the corruption and the black market that exists in South Vietnam, and the unreliability and irresponsibility of the South Vietnamese leaders. I share his views in regard to the nature of the regime to which we are now going to provide in this bill such a large amount of the \$415 million.

Mr. President, I want to refer to a statement on page 521 of the "Supplemental Foreign Assistance Fiscal Year 1966"—Vietnam transcript of hearings. I want to quote from a very able article by a great commentator, Stanley

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Karnow, of the Washington Post foreign service.

I want the American people again to understand the nature of the corrupt regime that the American Government is supporting in South Vietnam.

This correspondent, talking about General Ky, states:

In his speeches and statements, Ky projects an image of himself as an honest, simple soldier dedicated to promoting "social revolution." That image has reportedly captivated the White House, where Ky's statements are said to be on the required reading list.

But to Vietnamese here in Saigon—and to many American officials, too—Ky is far from the hero he is made out to be by his publicists.

"The Ky government is stable largely because it is immobile, explain Vietnamese. In fact, they add, it is not really Ky's government but a junta of generals who, for the sake of their own survival, have tacitly agreed not to disagree—at least for the present.

In the view of Vietnamese here, moreover, the Saigon government hangs together because it is supported by the United States, which would not tolerate another succession of coup d'etat and uprisings such as followed the downfall of the Ngo Dinh Diem regime in November 1963.

#### ANOTHER MEETING

Thus President Johnson's personal identification with the Saigon leaders in Honolulu last week has been seen here as primarily an American exercise in bulwarking the local government. And it is believed that another Honolulu meeting this summer, as announced by the President, will repeat that exercise.

"It's like doping horses," commented an irreverent young Vietnamese army officer the other day. "They run for a while, and then you've got to give them another shot."

Much of this criticism reflects uneasiness with the degenerating economic situation here. Tremendous infusions of American money have simply unhinged and disrupted the local society to the point at which a bargirl can earn in a day what a longshoreman makes in a month.

Soaring prices have especially affected fixed-income groups—civil servants, army officers, schoolteachers and other professionals—who are the intelligentsia of any underdeveloped country.

Then I wish to quote from an article by another great correspondent, Ward Just, also of the Washington Post foreign service, in which he writes, as of February 16—and may I say, the date of the preceding article was also February 16—

Saigon's economic situation, serious for the past year, is becoming critical, and diplomatic sources rate it as second only to the Vietcong as "the most important political problem we have."

According to Government figures released yesterday, prices rose 10 percent last month over December and nearly 50 percent over the year 1965. There is an acute shortage of skilled labor, imports, and consumer goods. A flourishing black market and official corruption add to the difficulties.

Overhanging all is the massive infusion of U.S. funds, estimated to total \$600 million in 1966.

Later in his article, Mr. Just writes:

Officials here are frantically trying to open up the port of Saigon (where turn-around time for a vessel is frequently 2 to 3 weeks) to imports, to turn the sellers' market into a buyers' market. But the heavy importation of military hardware makes it a difficult

task, despite the improvements to the harbors of Danang and QuiNhon and the Brodignagian effort at Cam Ranh Bay.

Ripping beneath the surface is the Government's refusal—or inability—to do anything about the black money market, to which many prices are tied. The official rate is 73 piastres to the dollar. The black market rate was 135 piastres to the dollar in August and 170 last week.

Sources here say that the gigantic U.S. construction effort must also be cut back. The U.S. investment in construction is now estimated at \$400 million a year, \$100 million of which has a direct effect on the economy.

Mr. President, there is no question about the fact—we brought it out in our hearings—that a shocking, corrupt black market has characterized the economy of Ky's regime, that military junta regime, the regime of a man whose hero is Hitler and who said to the London Mirror that what South Vietnam needed was 12 Hitlers. That is the kind of a rascal and tyrant we are pouring in hundreds of millions of dollars of American taxpayers' money to uphold.

What is that administration over there, under this rascal, doing for South Vietnam itself?

I refer you to Look magazine, Mr. President, and ask you to reread the article that the Senator from Massachusetts (Mr. KENNEDY) published in that magazine, pointing out that in regard to the refugee problem, the Government of South Vietnam is walking out on its responsibility.

Mr. President, what is the Ky government doing in regard to land reform? What is it doing in regard to its budget? What is it doing in regard to taxation?

The Ky regime is doing so little that I am agast to hear the administration talk to the American people in terms of its being a pliable, stable government. It is no such thing. It just happens to be a military junta that is being held up by American dollars and American blood. In my judgment, there is absolutely no justification for killing American boys in southeast Asia in support of such a corrupt regime.

I ask unanimous consent that certain material from the exhibits that were before us in the Foreign Relations Committee dealing with the matter of land reform and the failure of the Government to do what it should, the tax problem, the failure of the regime to impose reasonable taxes upon its own citizenry—because the United States is going to foot the bill anyway, the failure of the administration to control the black market, and other items presented to the committee, be printed in the Record at this point.

There being no objection, the exhibits were ordered to be printed in the Record, as follows:

#### 3. Land reform:

(a) How much has been spent in the past by the Government of Vietnam and AID?

From 1955 to 1960 the Government of Vietnam committed itself to the expenditure of the equivalent of \$69 million for the purchase of expropriated land, 10 percent of which was paid in cash and 90 percent in the form of 12-year bonds. The French Government made available the franc equivalent of \$3.8 million to buy out its landowning

nationals; the land was turned over to the Government of Vietnam. The United States provided \$4.1 million (\$287,000 in dollar funding for training, technicians, and equipment, and the remainder in counterpart, mostly to pay administrative costs).

Since 1960, no separate budget has been appropriated for land reform, these activities being funded under the broader category covering land administration.

(b) How much is budgeted for this year?

The Government of Vietnam, however, has now decided to fund land reform activities separately and the current request, covering the next 3 years, calls for the expenditure of the equivalent of \$1.9 million to cover operating costs, e.g., administration and surveys, for the next 3 years. Obviously this does not include additional land acquisition costs, agricultural credit, resettlement costs, etc., which could be related and support land reform activities.

Although AID has given this subject a great deal of attention by way of policy level encouragement and experts' consultation, the opportunities for furthering land reform by large U.S. dollar expenditures have not occurred. We are prepared to allocate funds immediately on a high priority basis if circumstances develop where this would be helpful. Consequently, it is impossible for AID to have a firm budget at this time. At the moment, certain minor technical activities totalling \$30,000 for the next few months have been identified.

(c) How many acres have been redistributed?

The Government of Vietnam expropriated 457,000 hectares, and acquired 225,000 hectares from the French Government. Some 248,000 hectares have been redistributed, all of it expropriated land.

(d) What large land holdings exist in Vietnam?

No owner can legally hold title to more than 100 hectares (250 acres) at the present time. About 6,300 owners hold from 50 to 100 hectares, or 25 percent of the cultivated rice land in the Mekong Delta. Another 28 percent is owned by some 28,000 owners in holdings of 10 to 50 hectares. There are some 346,000 owners of smaller units. In central Vietnam there are some 350 owners with ricefields totaling 25 hectares or more. There are 550,000 owners with smaller land units.

#### TAX STRUCTURE IN VIETNAM, INTERNAL TAXES

Internal taxes are classified into four groups. The four groups, with percentages of total domestic revenue collections for 1965 are: Direct (9.4 percent); Indirect (20.5 percent); excise (16.2 percent); and registration (7.7 percent). The following table shows domestic tax revenue in 1963, 1964, and 1965.

[In millions of piastres]

	1963	1964	1965
Total expenditures	27.0	37.5	52.0
Total domestic receipts	12.0	12.8	13.7
Direct taxes	1.2	1.2	1.1
Indirect taxes	1.8	2.2	2.4
Excise taxes	1.3	1.6	1.9
Registration	.6	.9	.9
Customs duties	4.4	4.7	5.4
Others	2.7	2.2	2.0

Direct taxes include (1) a tax on income and profits, (2) real estate taxes, and (3) the patente, or business tax. The direct tax structure is as follows:

1. Income and profits: The system of income taxation includes four different taxes:

(a) Salaries and wages: Includes indemnities, emoluments, pensions, annuities, and all compensations for service whether in income or in kind. Salaries and wages are

taxed at the rate of 1 to 16 percent. There are five brackets: 1 percent on net taxable annual income up to VN\$50,000; 2 percent on income from VN\$50,001 to VN\$100,000; 5 percent on income from VN\$100,001 to VN\$500,000; 10 percent on income from VN\$500,001 to VN\$1 million; and 16 percent on income over VN\$1 million. Abatements (personal exemptions) are VN\$30,000 for single persons and heads of households; VN\$15,000 additional for married persons; VN\$5,000 for each child under 21 years of age; and VN\$3,000 for each dependent parent or grandparent. A professional deduction is allowed for travel and entertainment (10 percent of gross income up to VN\$240,000 and 5 percent of gross income exceeding VN\$240,000) and exemptions for pension payments are allowable. Filing date for all income taxes is April 1 for income received in the preceding calendar year. Except for Government employees, withholding tax procedures have not been developed.

(b) Profits tax: Levied annually against all net profits from business operations of any kind, but excludes from its base capital gains and income from stocks and bonds. The tax is 24 percent for corporations and 16 percent for unincorporated businesses, including professions. The profits tax on individuals has the same abatements as the income tax on salaries. Deductions for firms include all ordinary and necessary expenses attributable to earning the profit.

(c) General income tax: Levied on all income subject to the tax on salaries and wages, to the individual profits tax or business profits tax, and on income earned from sources outside of Vietnam. Allowable deductions are the same as for the salary and profits tax; deductions are permitted for salary, profits, and general income taxes paid in the previous year. Tax rates for the general income tax are progressive within the range of 1 to 50 percent.

(d) Tax on dividends and interest paid by corporations: A withholding levy at the corporate level on dividend and interest payments. Tax rates vary between 18 and 30 percent depending on the characteristics of the corporation. For application of the tax, corporations are first divided into foreign and Vietnamese. Foreign corporations are taxed at the rate of 30 percent on all Vietnam-allocated dividends and interest payments; the allocation is construed to be the ratio of the total turnover resulting from operations in Vietnam and the total turnover of the corporation. Vietnamese corporations are subject to one of two rates: the rate of tax on dividends of a S.A.R.L. (limited liability corporation) is 18 percent; a societe anonyme (corporation) is subject to a 24-percent dividends tax. Interest payments by both types of Vietnamese corporations are taxed at 18 percent.

2. Real estate taxes: There are three basic characteristics of the Vietnamese system of taxing real property: (a) The tax is primarily a Central Government source of revenue, with other levels of government receiving income based on percentage surtaxes added to the Central Government tax. (b) Land is taxed according to productive capacity, while urban buildings are taxed on the basis of real capital value. (c) Four basic distinctions are made in the tax rates applicable to land depending on whether it is located in an urban center, used for rice production, used for mixed agricultural production or borders a rural highway or street.

(a) Rice land tax: Land is classified according to productivity and taxed by hectare. There are six classes of land; the tax ranges from VN\$10 to VN\$85 per hectare.

(b) Mixed cultivation land tax: There are seven classes of land; the tax ranges from VN\$15 to VN\$300 per hectare.

(c) Urban land and property tax: Unimproved land is taxed by hectare following a complicated schedule based on location. There are separate rates for (1) major cities (Saigon is divided into four zones and seven categories, each with a different rate); (2) first-class cities (5 zones); (3) second-class cities (4 zones); (4) third-class cities (3 zones); (5) land bordering national and provincial highways; and (6) land bordering auxiliary or communal roads. The rates on unimproved land range from VN\$30 per hectare (class 6 above) to VN\$10,000 in Saigon. Improved land is taxed twice: the land is taxed (there are five rates, ranging from VN\$0.05 to VN\$0.85 per square meter) and the improvements are taxed. The property tax rate may range from 1 to 5 percent of the real property value; it is fixed annually in accordance with the budgetary needs of the country. There is, in addition, a 40-percent tax on "super rent" properties which are rented at abnormally high prices.

3. The patente (business license): The patente is an annual fee levied on individuals and corporations for the privilege of engaging in a trade, profession, or industry. Exempt from the tax are teachers, farmers, those who are engaged in the extraction of natural resources, and a few others.

There are two parts to the tax. The basic tax is a specific levy determined by the type of business. All businesses are listed in the fiscal code, which records 743 different types of businesses and professions and establishes minimum and maximum rates for each. For example, a tailor may be taxed within the range of VN\$60 to VN\$3,000 per annum; for a commercial bank the rate varies from VN\$3,000 to VN\$100,000; a large hotel from VN\$1,400 to VN\$25,000; an automobile agency from VN\$600 to VN\$25,000; and an import-export firm from VN\$800 to VN\$75,000. The basic rate for most large commercial enterprises is within the range of VN\$8,000 to VN\$75,000.

In addition to the basic tax, there is an ad valorem levy applied to the rental value of the business property. The tax rates on rental value are progressive in the range of 3 to 10 percent depending on the amount of the basic tax assessment. This tax rate applied to the annual rent, plus the basic tax, constitutes the total patente tax for the Central Government. Percentage increases of the Central Government patente tax are added for the benefit of local governments. There is also surtax of 2½ percent of the Central Government tax for the chamber of commerce.

Twenty-five business activities, chiefly manufacturing firms, are not subject to the patente but are taxed on the basis of turnover, volume of production or services provided or according to some other specialized schedule.

Mr. MORSE. Mr. President, do not forget that most of our aid to Vietnam is required because of our presence there. Our presence is creating the inflation which we are trying to fight by giving them \$275 million under this bill.

We are on an economic treadmill. The more men we send, the more they spend, and the more aid we shall have to provide to overcome the inflation which we are causing.

One of the sad things about this \$415 million, and the part of it that goes to South Vietnam, is that a large part of it will fall into the hands of the Vietcong. That is the record. We have the cart before the horse, Mr. President. The pouring of the American taxpayers' largesse into South Vietnam will en-

hance, not stop, the corruption, until we bring about a solution of the military problem over there, and determine what the political situation is going to be.

Mr. President, there will be a continuation of the practice that a large part of our aid, both materiel and money-wise, will get into the hands of the Vietcong; and furthermore, a good many of the installations for which we are spending this money will be destroyed by the Vietcong. Let us face it; we have to get the war over first, before we can successfully proceed with the program—the ultimate purposes of which I support—of taking economic freedom to South Vietnam.

Mr. President, I cannot sit here and acquiesce in continuing to waste the American taxpayers' money, just because there are those in this country who are whipping up a war hysteria, waving the flag into tatters, and seeking to give the impression that those of us who are trying to stop that performance over there and save the lives of American boys are somehow, some way, not supporting those American boys.

I say, Mr. Chairman, that those who are not supporting those American boys over there are those who are voting, here in the Senate, to expand and escalate that war, so that thousands more of them are sure to be killed in the years immediately ahead. They are the ones who will have the blood on their hands. But not the senior Senator from Oregon. I shall continue, so long as we do not have a formal declaration of war—which is necessary to make that war legal and constitutional—to do what I can to bring that fighting to an end by resorting to the programs that I have stood for here these many months past, by again urging on the floor of the Senate today that this administration adopt the views of General Gavin and General Ridgway and George Kennan, to provide for taking the holding action necessary to protect our boys until a good many divisions from other countries can be moved in there to help separate the competing warmaking forces and enforce a cease-fire order.

But, there are other things in the bill which I want the record to show my colleagues voted for this afternoon, because we are going to make the record as to what my colleagues voted for.

My colleagues will be voting for a bill that authorizes a \$100 million contingency fund for the President of the United States, \$100 million in this bill for the President of the United States to do with as he wishes.

We talk about constitutional checks. We talk about carrying out our obligations under the Constitution as Senators to check the executive branch of the Government. Senators tell me they have no fear of a movement toward Government by executive supremacy. Why, Mr. President, this \$100 million contingency fund for the President of the United States in this so-called supplemental bill is more than the total contingency fund we voted the President throughout the world last year.



Last year, the total contingency fund for the President of the United States throughout the world was \$50 million. We are going to give him an unchecked \$100 million in the pending bill.

Mr. President, I speak impersonally. I will never have my record show that I ever gave to any President, be he Lyndon B. Johnson or any other President, that kind of unchecked power—\$100 million—what are we thinking of? How can we possibly take \$100 million of the American taxpayers' money and turn it over to a man to spend as he decides to spend it? That is not government by law. That is government by man.

When I taught for years that one of the basic constitutional principles of our form of government is that we are a government by law and not a government by man, I did not teach it to come into the Senate years later and walk out on the principle that I taught.

Let me say that that \$100 million is an inexcusable amount to give to a President of the United States.

How long does it take the President of the United States to travel from the White House on Pennsylvania Avenue to the Capitol for a joint session of Congress?

Not more than 20 minutes.

Why, Mr. President, if ever an emergency developed whereby the President would need more funds than those set out specifically in an appropriation bill, let him get up here and ask for them in light of a specific need, and not give him this kind of blanket contingency fund authority. That is dangerous to the preservation of a system of checks and balances in this country and a Government based upon three coordinate and coequal branches of Government.

Last year, not only did we have that \$50 million for the President to use anywhere in the world, but the executive branch also got out of us another contingency fund for the President last year—I believe the amount was \$89 million, \$57 million of which went into Vietnam. For what good, and for what purpose?

What we are dealing with here again is a foreign aid bill in which Congress is perfectly willing to give broad, sweeping powers to the executive branch of the Government, and it will file with us a nice-sounding report in which language will be incorporated to show their reservations, their fears, and their concerns. They give those of us who oppose the development of Government by executive supremacy the words, but they give the President the votes.

Mr. President, we are not going to stop this trend toward Government by executive supremacy unless we start voting against it, unless we start voting to apply the checks.

It is interesting that in the Committee on Foreign Relations, long debate took place on certain amendments offered which are not being offered on the floor today.

I wish to read the Fulbright amendment which the Senator proposed in committee, which received six votes.

It reads as follows:

At the beginning of the bill insert the following new section and renumber succeeding sections:

"That section 102 of the Foreign Assistance Act of 1961, as amended, which relates to the statement of policy, is amended by adding at the end thereof the following new paragraph:

"This Act, or the furnishing of economic, military, or other assistance under this Act, shall not be construed as a commitment to use Armed Forces of the United States for the defense of any foreign country."

Mr. President, there was interesting discussion around that Foreign Relations Committee table. There was very little opposition to the objectives and the principle of the Fulbright proposal. What was the main reason, therefore, not to place it in the bill? Because it was not the appropriate vehicle, it was decided.

I am waiting patiently and hopefully for the legislative vehicle that my colleagues will find appropriate on the floor of the Senate to carry out so much of their discussion in the cloakrooms. That is the vehicle I wish to see. I am afraid that I am never going to see it. I am afraid that all the Senate is going to do is give to the American people language of reservation and doubt, perplexity and confusion, but it will continue, in my judgment, to delegate away what I consider to be the clear duty of the Senate to place checks upon the administration along such lines as the Fulbright amendment.

I ask unanimous consent to have the amendment printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

#### AMENDMENT TO H.R. 12169

At the beginning of the bill insert the following new section and renumber succeeding sections:

"That section 102 of the Foreign Assistance Act of 1961, as amended, which relates to the statement of policy, is amended by adding at the end thereof the following new paragraph:

"This Act, or the furnishing of economic, military or other assistance under this Act, shall not be construed as a commitment to use armed forces of the United States for the defense of any foreign country."

Mr. MORSE. Mr. President, then there is the McGovern amendment, and I ask unanimous consent to have it printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD as follows:

Sec. 4 (a) The Congress hereby declares that its action in authorizing the additional assistance for Vietnam provided by this Act—

(1) shall not be construed as a ratification of any policy decision heretofore made with respect to hostilities in Vietnam, or as an endorsement of any future commitment with respect to such hostilities; and

(2) is taken with the hope that such additional assistance will contribute to an early cessation, rather than a widening, of such hostilities.

(b) Recognizing the desire of the President to limit the scope of hostilities and to reach an honorable settlement of the conflict and cognizant of the desirability of improved relations between the people of the United States and the people of Asia, it is the sense of the Congress, that United States foreign policy in Asia should seek to minimize the risks of military involvement and

to promote orderly economic and social development.

Mr. MORSE. Mr. President, in essence, the McGovern amendment was a proposal which sought to make clear at least the purport of the amendment, and others that support it with a great deal of reservation, as to the meaning of the ill-fated resolution of August 1964.

But, it is said, after all, a blank check was not given; after all, the President was not given unchecked power.

How anyone can take the English language in that particular resolution and read anything else into it but a grant of complete power to the President of the United States to do what he wished to do, I am at a loss to understand.

They must have taken a course in English which I never took, because I cannot read any such meaning into the King's English in that resolution.

The Senator from Alaska is in the Chamber, listening to me, and let me say to him that the CONGRESSIONAL RECORD will show that he and I in August 1964 stood up on the floor of the Senate and told the Senate over and over again that that is exactly what the Senate would be giving the President by way of power, for the language is not subject to any other interpretation.

Mr. President, we should take back that power, for in that resolution was contained a rescission clause. I sought to get the Senate to rescind it a week ago on Tuesday, when I offered my motion to rescind. That motion was laid on the table, although I wish to say that I agreed with the Senator from Georgia [Mr. RUSSELL], and I agreed also with the Senator from Louisiana [Mr. LONG]—but completely disagreed with them on the policy they are supporting in South Vietnam—when they made so clear in the RECORD that a vote on that motion to lay on the table did raise the question as to whether we are going to vote to check the President's power under the resolution of August 1964.

In my judgment, irrespective of their verbal resolutions, their votes spoke louder than their words on that ill-fated day a week ago on Tuesday, when they voted to lay my amendment on the table. They once again gave to the President a vote of confidence of the same nature which they gave him in August 1964.

The check is out of the Senate. The check now is with the people.

I close by saying I oppose this bill because, in my judgment, it violates our system of checks and balances: because, in my judgment, millions and millions of dollars of this money will again be used to finance corruption in South Vietnam. Large amounts of the aid will get into the hands of the Communists. As past experience shows, it will be delivered to them by South Vietnamese who will get their hands on millions of dollars of it.

As far as the particular facilities on which it will be spent are concerned, many will be destroyed by the Vietcong. I think it is hopeless to think that we can build up a viable economy for the future in South Vietnam while this shocking war is proceeding.

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I shall vote against the bill because I think a vote for it is a vote to kill additional American boys in South Vietnam, who, in my judgment, should not be killed. I think this bill will add to the expanding escalation of the war, and I want to stop the killing.

I want to find a solution along the lines the Senator from Arkansas [Mr. FULBRIGHT] has proposed; along the lines the Senator from New York [Mr. KENNEDY] has advocated; along the lines the Senator from Alaska [Mr. GAUENING] and I have proposed on the floor of the Senate for many, many months past—a solution that will call for the enforcement of a cease-fire order, enforced by those nations that are noncombatants in this ghastly, unjustifiable, immoral war; a cease-fire order that will say to the combatants, including my own country, "You have an opportunity to stop fighting on the basis of terms and conditions of the cease-fire order, and if you do not obey the order of the cease-fire, we will get the divisions from around the world necessary to enforce the peace."

Mr. President, that is not making war. That is enforcing peace. It is not making war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. I ask unanimous consent to have 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. This is the only way we will save the killing of American boys in South Vietnam.

It is the only way the United States can be stopped from expanding a war that will inevitably lead to a war with China; and a war with China will inevitably lead to a nuclear war.

I shall be proud to have my record show that I voted against this war bill.

Mr. BENNETT. Mr. President, I yield 3 minutes to the Senator from Virginia [Mr. BYRD], after which I shall yield 2 minutes to the Senator from Colorado [Mr. DOMINICK], and thereafter I shall yield back the remaining time.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes.

Mr. BYRD of Virginia. Mr. President, I would like to invite the attention of the Senate to a part of this bill that appeals to me a great deal. That part of the bill reads:

No part of the funds appropriated under the preceding sentence after January 1, 1966, for the fiscal year 1966, shall be used to provide assistance to any country which permits any ship or aircraft under its registry to transport any equipment, materials, or commodities to or from North Vietnam unless the President determines that the withholding of such assistance would be contrary to the national interest of the United States and reports such determination to the Congress.

Mr. President, what I am going to say I say as a friend of the British, but I feel it is alarming that our allies permit ships under their flag to take materials and commodities to the ports of North Vietnam.

During the last quarter of 1965, of the 44 allied ships that went into the harbor at Haiphong, 35 were British ships.

As a Member of the Senate of the United States, I want to say on the floor of the Senate and for the Record that I think it is very desirable that the legislation we are passing today carries a proviso that no country shall benefit from any funds appropriated for it if that country permits ships flying its flag to go into North Vietnam harbors.

I thank the Senator for yielding to me.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I very much share the viewpoint just expressed by the distinguished Senator from Virginia. I have stated in speeches in my own State, and other areas, that I did not understand how we could justify giving any economic aid to any country that was shipping aid to North Vietnam. I think we should halt such shipments as soon as possible.

I would like to ask a question of the manager of the bill on this very point. I understand this prohibition referred to by the Senator from Virginia applies only to the President's contingency fund. Do we have any assurances from the State Department as to whether aid not involving the contingency fund and thus not covered in this bill, is being cut off to those countries which are shipping goods into North Vietnam?

Mr. SPARKMAN. I may call to the attention of the Senator the fact that there are two provisions in existing law. This is a new provision.

If the Senator will refer to page 8 of the report, there is a discussion of this provision in the third paragraph on that page:

The House of Representatives amended the bill to prohibit the furnishing of contingency fund aid to any nation which permits ships or aircraft under its registry to carry on trade with North Vietnam, unless the President determines that the withholding of such assistance would not be in the national interest and reports his determination to the Congress.

This new prohibition fits in the context of two existing restrictions on aid to countries whose ships or aircraft trade with North Vietnam. The Foreign Assistance Act of 1965 contained a provision which requires the President to consider denying aid to countries which did not take appropriate action to prevent ships and aircraft under its registry from carrying goods to or from North Vietnam. A provision in the Foreign Assistance Appropriations Act of 1966 prohibits the furnishing of aid to any country which allows its ships or aircraft to carry to North Vietnam any of the strategic materials mentioned in section 107(a) of that act.

Mr. DOMINICK. Did the Secretary of State or any other official give any assurance that countries now shipping into North Vietnam are not receiving aid as a result of that policy?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BENNETT. I yield 1 more minute to the Senator from Colorado.

Mr. SPARKMAN. There was assurance given that every effort is being made and will continue to be made to get other nations to take action to stop ships bearing their flag from trading with North Vietnam. Much progress is being made in that direction.

Mr. DOMINICK. I thank the distinguished Senator from Alabama and I thank the distinguished Senator from Utah.

I believe this is an extremely important matter and we should move forward in this regard as soon as possible in order that many lives may be saved in Vietnam.

The PRESIDING OFFICER. Who yields time?

Mr. BENNETT. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama has 6 minutes remaining.

Mr. SPARKMAN. I yield 2 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, the present conflict in Vietnam has, indeed, had a negative effect on the economy of that country.

I view the present authorization request as not essentially different from requests for our other aid to South Vietnam. This money will be used to stabilize the economy and thereby the Government in this time of war. It is certainly to our interests to assure that the economy and the Government of South Vietnam remain steady.

We could not effectively assist these peoples militarily while being plagued with shifting political and deteriorating economic situations.

Considering the problems involved, we are dealing effectively with our commitment toward the people of South Vietnam, Mr. President. The problem is great and the progress often tedious, but the firmness of our position has been noted behind the Iron Curtain.

Let this legislation today be noted as a further warning that we intend to pursue on all fronts the freedom and security of endangered peoples such as the South Vietnamese.

I would certainly hope that these funds are used wisely and toward the goals for which they were intended. The Government of South Vietnam must remain ever vigilant that inflation be checked so that our mutual goals of world order, in general, and freedom and security in Vietnam in particular can be realized.

We are engaging in a program to win the support of the people of the Vietnamese countryside to the Government. It is an entirely new challenge in a new kind of war.

But it is a problem with which we must deal. In voting for this legislation my hopes are with those who must find a way to accomplish this difficult task so that our mission in southeast Asia may earlier and more effectively be realized.

Mr. SPARKMAN. I yield 4 minutes to the Senator from Maryland.

Mr. TYDINGS. Mr. President, last week we passed a multibillion-dollar, authorization to finance our military efforts to protect the people of South Vietnam from the forcible imposition of Communist rule.

I voted for that bill because I think that as long as our troops are committed to combat, we must do all we can to support them.

We must recognize, however, the basic fact that military power alone—even

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power strong enough to crush out the insurgency in Vietnam—cannot crush out a revolutionary spirit. "More powerful than all the armies in the world," wrote Victor Hugo, "is an idea whose time has come." We are witnessing in Vietnam and throughout the underdeveloped world a social and political revolution which will decisively mark mankind's course for the foreseeable future.

This country has made mistakes in dealing with the struggle for a better life for the 2 billion people of the underdeveloped world. But I am not prepared to accept the proposition that communism has a monopoly on social revolution, or that the political and economic subservience from which the ex-colonies are trying to emerge should be replaced with a total tyranny of the mind and spirit.

I am not prepared to accept the proposition that the theories of personal freedom and self-determination we cherish are inapplicable or unattractive to the people of the newly emerging nations, or that the despotism of communism is in the long run a reasonable price for a people to pay for nation building.

So I support our efforts to end the fighting and the terror and the destruction of the war in Vietnam under conditions which will assure self-determination for the South Vietnamese people. Certainly the task of nation building can make little progress until the populace can be made reasonably secure. This is the job of the military. But in this economic aid bill we look beyond the narrow military task to the broader, and ultimately more important task of economic and social construction and transformation.

Transformation is too weak a word. What is required in Vietnam is nothing less than a social revolution.

We must fully appreciate the enormity of the task we have undertaken in Vietnam. It is nothing less than an attempt to build a nation; and nations are not built quickly or easily. Our goal is a South Vietnamese Government which is independent, able to protect its people, responsive to their needs and desires, and capable of providing them with at least the necessities of life.

This is a goal worthy of America. But we must have no illusions as to the difficulty of attaining it. South Vietnam has proven so vulnerable to communism, because its people have so little reason to defend the status quo. The Vietnamese peasant has a per capita annual income of about \$90. He is beset with disease, burdened with debt, crippled by illiteracy, exploited by a corrupt officialdom, and has no real hope for a better life either for himself or his children. In recent years the war raging around and through his village has threatened his very life.

This situation has not developed overnight. Under French colonial rule, the peasant, who had previously been a self-contained economic unit, began to produce cash crops. He thus became vulnerable to economic forces beyond his control. A year of low production or falling prices deprived the peasant of even a subsistence income. He had to

mortgage his land to live. Another bad year brought foreclosure, and the peasant assumed the precarious status of a tenant for an absentee landlord. As credit rates went up, middlemen and money-lenders proliferated and tenancy increased.

These broad economic and social changes stimulated a simultaneous rise in aspirations and frustrations. The peasant has had sufficient contact with modern urbanized life to realize keenly the opportunities which are denied him. This inevitably has bred a sense of frustration and outrage. He has very easily become prey to the Vietcong organizer who brings the peasant a promise of owning his own land and a promise of a government devoted to his welfare. These simple ideas strike a deep responsive chord in an oppressed people. Such ideas will not be eradicated by military means. They can be defeated only by equally good ideas implemented in an effective social, economic, and political program. In the words of General Lansdale:

The Communists have let loose a revolutionary idea in Vietnam. It will not die by being ignored, bombed, or smothered by us. Ideas do not die in such ways.

So I want to take a few moments today to suggest some ways the revolutionary ideas at loose in Vietnam can be met and fulfilled by a free government.

All the promises and policies of the Saigon government will mean little if they are not effectively and painstakingly implemented at the grassroots level in Vietnam. The problems which have plagued our efforts in the past have been less in broad policy than in day to day implementation.

A basic difficulty in implementing effective social and economic reform in Vietnam is the condition of the Vietnamese civil service.

The French left a complex and cumbersome administrative structure, but trained very few Vietnamese to operate it. Furthermore, the Vietcong have systematically destroyed the cream of the bureaucracy, killing over 11,000 village and hamlet officials last year alone. Under such conditions it is sometimes remarkable that local government functions at all.

Yet, if any one group holds the key to the future of Vietnam it is the civil service. The effectiveness of the civil service will determine whether a viable free society can be constructed in Vietnam. We must meet the serious shortage of trained civil servants through an expanded program of training new recruits and retraining existing officials. The small corps of American advisers skilled in local government now in Vietnam should be greatly expanded. They provide a type of on-the-job training and advice that does not necessitate taking valuable Vietnamese civil servants from their jobs.

Continued efforts must be made to select talented local people in rural areas for utilization in the lower levels of administration—both to improve efficiency and to provide a channel of upward mobility to talented and ambitious peasant youth. So far as possible, we should

encourage the introduction of some sort of regularized merit system of hiring and promotion in the bureaucracy.

An urgent problem in the heavily populated region of the Mekong Delta is land reform. The Vietcong derive enormous strength from their promise to provide land to vast numbers of tenant peasants. Effective land reform by the Saigon government is essential to blunt this appeal.

But effective land reform is more than a simple redistribution of land. It will require a simultaneous revision of tax, marketing, and credit laws; the establishment of rural cooperatives, agricultural extension services, and other enlightened programs to help the peasant keep the land he gets in the redistribution.

Another area of Vietnamese life which must be reformed is access to education. Secondary and university levels of education are in large part reserved to children of wealthy and influential Vietnamese families. This in turn has kept the civil service, teaching, and the professions as preserves of the privileged, because employment in these vocations has required a degree.

The expansion of rural primary education has served only to raise unfilled aspirations, since access to the secondary schools and universities remains cut off.

Access to the upper educational levels must be broadened if the revolutionary and justifiable aspirations of the peasants of Vietnam are to be satisfied.

Another area of serious crisis is the destruction of family income by the death of the breadwinner in the war. Like other oriental societies, that of Vietnam has been centered around the extended family and kin group. It is these units that have provided security to the individual. Under the impact of modernization and protracted warfare these institutions have broken down leaving only the individual and his immediate family. If something happens to the male breadwinner his dependents have no other source of support. This provides a major incentive both for the Vietnamese military and civilian government to avoid taking the kind of risks which a successful war effort requires. It is imperative then, that an adequate social security and survivors benefits program be provided by the government.

A particular concern to me as a member of the Refugees and Escapees Subcommittee of the Senate Committee on the Judiciary is that of Vietnamese refugees from the war.

The Vietnamese refugee program has been characterized on both the American and Vietnamese sides by bureaucratic confusion and paralysis, a shortage of materials, and a lack of clear priorities. Some Vietnamese province chiefs have regarded the refugees as the lowest priority group in their province. As a result the refugees seldom get adequate support in terms of food, clothing, shelter, and land. The refugees have chosen the government as opposed to the Vietcong because they believe that the government can more likely provide them with what they seek; security and



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the necessities of life. Their hope must not be disappointed.

I have pointed to some of the problems we face in Vietnam not because I think they are unsolvable, but rather because I think they must be solved.

The world will never be safe, the peace will never be secure, as long as violence and terrorism are acceptable substitutes for free choice.

We simply must find a way to assure self-determination for the South Vietnamese.

I think this economic assistance bill is an essential step.

The PRESIDING OFFICER. All time having been yielded back, the bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. MORSE. Mr. President, should we not have a quorum call first?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.  
Mr. LONG of Louisiana. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. HARRIS], the Senator from South Dakota [Mr. MCGOVERN], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from Georgia [Mr. RUSSELL], are absent on official business.

I also announce that the Senator from New Hampshire [Mr. MCINTYRE], is absent because of illness.

I further announce that the Senator from Ohio [Mr. LAUSCHE], the Senator from Michigan [Mr. MCNAMARA], and the Senator from New Jersey [Mr. WILLIAMS], are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Oklahoma [Mr. HARRIS], the Senator from Ohio [Mr. LAUSCHE], the Senator from South Dakota [Mr. MCGOVERN], the Senator from New Hampshire [Mr. MCINTYRE], the Senator from Michigan [Mr. MCNAMARA], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], and the Senator from New Jersey [Mr. WILLIAMS], would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

The Senator from California [Mr. KUCHEL] is absent because of illness.

The Senator from Nebraska [Mr. HRUSKA], the Senator from California [Mr. MURPHY], and the Senator from Pennsylvania [Mr. SCOTT] are absent on official business.

If present and voting, the Senators from California [Mr. KUCHEL and Mr. MURPHY], the Senator from Pennsylvania [Mr. SCOTT], and the Senator from South Carolina [Mr. THURMOND] would each vote "yea."

The result was announced—yeas 82, nays 2, as follows:

[No. 54 Leg.]

YEAS—82

Alken	Fulbright	Mundt
Allott	Gore	Nelson
Anderson	Hart	Neuberger
Bartlett	Hartke	Pastore
Bass	Hayden	Pearson
Bayh	Hickenlooper	Pell
Bennett	Hill	Prouty
Bible	Holland	Proxmire
Boggs	Inouye	Randolph
Brewster	Jackson	Ribicoff
Burdick	Javits	Robertson
Byrd, Va.	Jordan, N.C.	Russell, S.C.
Byrd, W. Va.	Jordan, Idaho	Saltonstall
Cannon	Kennedy, Mass.	Simpson
Carlson	Kennedy, N.Y.	Smathers
Case	Long, Mo.	Smith
Cooper	Long, La.	Sparkman
Cotton	Magnuson	Stennis
Curtis	Mansfield	Symington
Dirksen	McCarthy	Talmadge
Dodd	McClellan	Tower
Dominick	McGee	Tydings
Douglas	Metcalf	Williams, Del.
Eastland	Miller	Yarborough
Ellender	Mondale	Young, N. Dak.
Ervin	Monroney	Young, Ohio
Fannin	Montoya	
Fong	Morton	

NAYS—2

Gruening

Morse

NOT VOTING—16

Church	McGovern	Russell, Ga.
Clark	McIntyre	Scott
Harris	McNamara	Thurmond
Hruska	Moss	Williams, N.J.
Kuchel	Murphy	
Lausche	Muskie	

So the bill (S. 2793) was passed.

Mr. MANSFIELD. Mr. President, the distinguished junior Senator from Alabama [Mr. SPARKMAN] today has re-earned the highest respect of the Senate with a demonstration of his typically efficient and successful management of the economic assistance supplemental. His great skill and unequalled diplomacy coupled with his clear and profound explanations brought decisive and expeditious action on this most important foreign aid authorization.

The Senate and the Nation are indeed fortunate to have this great American statesman in their service.

Important also for this great success was the splendid cooperation of the distinguished senior Senator from Oregon [Mr. MORSE]. Again, he articulately expressed his strong and sincere views concerning our foreign policy but, in a most selfless manner, permitted the Senate to work its will in orderly fashion.

Additionally, high commendation goes to the distinguished senior Senator from Missouri [Mr. SYMINGTON], whose broad knowledge and deep understanding of our foreign assistance programs contributed immensely to this great success.

We are grateful, too, for the assistance of those Senators who offered their own constructive views but who, nonetheless, did not in any way impede the progress of this important measure. Our thanks go to the distinguished Senators from Massachusetts [Mr. KENNEDY], Alaska [Mr. GRUENING], Indiana [Mr. BAYH], Virginia [Mr. BYRD], Colorado [Mr. DOMINICK], and, of course, we

are grateful for the help of the ranking minority member of the Foreign Relations Committee, the senior Senator from Iowa [Mr. HICKENLOOPER].

#### VISIT TO THE SENATE BY MEMBERS OF THE NATIONAL ASSEMBLY OF FRANCE

Mr. CARLSON. Mr. President, it is my honor and privilege to present to the Senate five distinguished members of the National Assembly of France, who are our guests in the Chamber today. They are:

Hon. Jean-Louis Gasparini, deputy, Moselle.

Hon. Augustin Marc Bordage, deputy, Deux-Sevres.

Hon. Bertrand Flornoy, deputy, Seine et Marne.

Hon. Henri Gorce-Franklin, deputy, Rhone.

Hon. Jean Moulin, deputy, Ardeche.

They are accompanied by His Excellency Charles Lucet, Ambassador of France.

[Applause, Senators rising.]

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Kansas yield?

Mr. CARLSON. I yield to the distinguished majority leader.

Mr. MANSFIELD. I join the Senator from Kansas in welcoming to the Chamber our colleagues from the National Assembly of France and their outstanding Ambassador, M. Lucet.

It is a pleasure to have them with us. We hope that their visit will be enjoyable and educational. We assure them of our continued friendship and understanding.

#### APPOINTMENT BY THE VICE PRESIDENT

The VICE PRESIDENT. Pursuant to Public Law 170 of the 74th Congress, the Chair appoints the Senator from Utah [Mr. BENNETT] to attend the Interparliamentary Union meeting at Canberra, Australia, from April 11 to 16, 1966, in place of the Senator from Pennsylvania [Mr. SCOTT], who was previously named.

#### REPORT ON MANPOWER AND MANPOWER REQUIREMENTS, RESOURCES, UTILIZATION, AND TRAINING—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

THE WHITE HOUSE,  
Washington, D.C., March 8, 1966.

The Honorable the PRESIDENT OF THE SENATE,

The Honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIRS: As required by section 107 of the Manpower Development and Training Act of 1962, as amended, I am sending to the Congress my annual manpower report, and the report of the Secretary of

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labor on manpower requirements, resources, use, and training.

Sincerely,

LYNDON B. JOHNSON.

#### ORDER FOR RECOGNITION OF SENATOR PROXMIRE ON MONDAY NEXT

Mr. PROXMIRE. Mr. President, after the coal mine safety bill and the Alaska centennial bill have been disposed of on Monday, I ask unanimous consent that I be recognized for 20 minutes to speak on the subject of wage-price guideposts.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

#### LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the distinguished majority leader about the business for the remainder of the day.

#### ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 o'clock noon Monday next.

The VICE PRESIDENT. Without objection, it is so ordered.

#### FEDERAL COAL MINE SAFETY ACT AMENDMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 1027, H.R. 3584, be laid before the Senate and made the pending business.

The VICE PRESIDENT. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 3584) to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, immediately after the renewal of consideration of Calendar No. 1027, H.R. 3584, on Monday, March 14, 1966, debate on the measure be limited to one-half hour on each amendment, and 2 hours on the bill, the time to be equally divided and controlled by the Senator in charge of the bill, the senior Senator from Oregon [Mr. MORSE], and the senior Senator from Kentucky [Mr. COOPER].

The VICE PRESIDENT. Is there objection? Hearing none, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

#### UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Monday, March 14, 1966, after the bill is laid before the Senate, during the further consideration

of the bill (H.R. 3584) to amend the Federal Coal Mine Safety Act so as to provide further for the prevention of accidents in coal mines, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader; *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Oregon [Mr. MORSE] and the Senator from Kentucky [Mr. COOPER]; *Provided*, That the two Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

#### ALASKA CENTENNIAL—UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the message from the House of Representatives on S. 2614, the Alaskan Centennial bill, is laid before the Senate, that debate on any motions thereon be limited to one-half hour, the time to be equally divided and controlled by the senior Senator from Alaska [Mr. BARTLETT], and the senior Senator from Delaware from [Mr. WILLIAMS].

The VICE PRESIDENT. Is there objection? Hearing none, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

#### UNANIMOUS-CONSENT AGREEMENT

Ordered, That when the message from the House of Representatives on S. 2614 (an act to provide for United States participation in the 1967 statewide celebration of the centennial of the Alaska purchase), is laid before the Senate, debate on any motions thereon will be limited to 30 minutes to be equally divided and controlled by the Senator from Alaska [Mr. BARTLETT] and the Senator from Delaware [Mr. WILLIAMS].

Mr. MANSFIELD. Mr. President, it is the intention of the leadership to call these two bills up on Monday, and following the disposal of these two bills, it is anticipated that Calendar 1025, S. 2499, a bill to amend the Small Business Act, will be considered.

Mr. President, for the benefit of the Senate, may I say, concerning the 2 unanimous-consent requests granted by the Senate this afternoon there will very likely be rollcall votes on both of these measures.

Mr. DIRKSEN. Mr. President, does the majority leader know whether there will be any further business today?

Mr. MANSFIELD. There will be no further business today; except it is my understanding that the distinguished ranking Republican member of the Armed Services Committee is prepared at an appropriate time, which I hope will be within the next 2 or 3 minutes, to lay before the Senate the conference report on the military aid bill.

#### MILITARY PROCUREMENT—CONFERENCE REPORT

Mr. SALTONSTALL. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12889) to authorize appropriations during the fiscal year 1966 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, research, development, test, evaluation, and military construction for the Armed Forces, and for other purposes. I ask unanimous consent for the present consideration of the report.

The VICE PRESIDENT. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The VICE PRESIDENT. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. SALTONSTALL. Mr. President, the House version of H.R. 12889 authorized military construction in an amount of \$49,700,000 more than the Senate version. This additional authorization was intended for Marine Corps air facilities on Okinawa and naval port facilities in Subic Bay in the Philippine Islands. Although there is no assurance this construction authorization will be funded immediately, the requirement for it is sufficiently firm that the Senate conferees agreed to inclusion of this authorization in the conference report.

The other differences in the two bills were in the general provisions. The Senate version had included a provision requiring quarterly reports of the estimated value of military assistance furnished South Vietnam and countries allied with us in her defense. The House version did not include this reporting but did have reporting provisions covering military construction in South Vietnam. Since the objective of both the House and Senate provisions was to keep the Congress informed regarding the utilization of the authorization granted, the conferees agreed to retain the reporting provisions adopted separately by the two bodies.

As agreed to by the conferees the bill would grant supplemental military authorizations for fiscal year 1966 in the amount of \$4,857,450,000.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SALTONSTALL. I yield.

Mr. JAVITS. Mr. President, what was the amount contained in the bill when it left the Senate, and what is the amount contained in the bill now?

Mr. SALTONSTALL. The Senate version was \$4,807,750,000. There was a House provision, to provide for the giving of notice to the House and the Senate committees of any new construction in Vietnam. In the Senate portion of the bill, there was a provision that the Defense Department should report quarterly to the committees on military assistance. There was, in addition, au-

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thorization of \$10 million in the House bill for construction at Subic Bay in the Philippines and of \$39,700,000 for air facilities at Okinawa. The Senate accepted those two provisions. The conference agreement is on an authorization of \$4,857,450,000.

Mr. JAVITS. What happened to the other provisions, the House provision and the Senate provision?

Mr. SALTONSTALL. They are contained in the measure.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

# HEARING BEFORE SUBCOMMITTEE ON EXECUTIVE REORGANIZATION TO INQUIRE INTO WITNESS HARASSMENT AND A VIOLATION OF THE U.S. CRIMINAL CODE

Mr. RIBICOFF. Mr. President, I am inviting auto industry critic, Ralph Nader, the president of General Motors, and detective agencies to appear before my Subcommittee on Executive Reorganization on March 22.

I am calling the hearing because a General Motors statement issued late yesterday raised issues which go beyond the question of witness harassment and a violation of the U.S. criminal code. Earlier this week I asked the Justice Department to investigate reports in the press that Nader had been intimidated following his testimony before the subcommittee about traffic safety.

The GM statement issued last night held:

It is a well-known and accepted practice in the legal profession to investigate claims and persons making claims in the product liability field, such as the pending Corvair design cases.

It appears that General Motors is seeking to justify its investigation of Mr. Nader by impugning his motives as a witness before my subcommittee.

I believe the parties in this matter should come before the subcommittee to present their views. This is the fair—the American—way of approaching a matter of public policy.

I resent character assassination in any form, and I expect General Motors to back up its charges concerning Mr. Nader's connection with pending Corvair litigation. I also expect a public explanation of the alleged harassment of a Senate committee witness.

I have not discussed this with any of the parties concerned. But I suggest that they come before the subcommittee to discuss the entire matter. The safety of the American driving public is the basic issue before the committee. To this must now be added the additional issue of a witness' right to testify before a committee of the U.S. Congress without fear of character assassination or intimidation.

Mr. President, I ask unanimous consent that a telegram received from the Ford Motor Co., and the news release from the General Motors Corp., mentioned earlier be printed at this point in the Record.

There being no objection, the telegram and news release were ordered to be printed in the Record, as follows:

DEARBORN, MICH.,  
March 9, 1966.

Senator ABRAHAM RIBICOFF,  
Senate Office Building,  
Washington, D.C.:

With regard to your statement on the floor of the Senate Tuesday, Ford Motor Co. has not been, nor is it now, directly or indirectly involved in any alleged investigation or harassment of Mr. Nader, nor has it any knowledge of or connection with the alleged incidents concerning him. We are releasing a copy of this to the press immediately.

JOHN S. BUGAS,  
Vice President, Ford Motor Co., the  
American Road.

## STATEMENT ISSUED BY GENERAL MOTORS ON MARCH 9, 1966

General Motors said today that following the publication of Mr. Ralph Nader's criticisms of the Corvair in writings and public appearances in support of his book, "Unsafe at Any Speed," the office of its general counsel initiated a routine investigation through a reputable law firm to determine whether Ralph Nader was acting on behalf of litigants or their attorneys in Corvair design cases pending against General Motors. The investigation was prompted by Mr. Nader's extreme criticism of the Corvair in his writings, press conferences, TV, and other public appearances. Mr. Nader's statements coincided with similar publicity by some attorneys handling such litigation.

It is a well known and accepted practice in the legal profession to investigate claims and persons making claims in the product liability field, such as in the pending Corvair design cases.

The investigation was limited only to Mr. Nader's qualifications, background, expertise, and association with such attorneys. It did not include any of the alleged harassment or intimidation recently reported in the press. If Mr. Nader has been subjected to any of the incidents and harassment mentioned by him in newspaper stories, such incidents were in no way associated with General Motors' legitimate investigation of his interest in pending litigation.

At General Motors' investigation, Mr. Nader spent a day at the GM Technical Center, Warren, Mich., early in January visiting with General Motors executives and engineers. He was shown a number of engineering and research testing and development programs in the field of automotive safety. A number of the accusations in his book were discussed at length, and a presentation was made of the evidence used in the successful defense of the only two Corvair lawsuits tried.

Mr. Nader expressed appreciation for the courtesy in providing him with detailed information, but he, nevertheless, continued the same line of attack on the design of the Corvair in a number of subsequent press conferences, TV, and other appearances. This behavior lends support to General Motors' belief that there is a connection between Mr. Nader and plaintiffs' counsel in pending Corvair design litigation.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. NELSON. Mr. President, I commend the Senator from Connecticut for requesting that the appropriate witnesses involved in this incident appear before his committee.

In listening to the statement of the Senator, I did not understand whether the Senator was requesting the General

Motors Corp. to produce at the hearings the detectives who actually participated in the investigation.

Mr. RIBICOFF. We shall request representatives of the detective agencies to be present.

Mr. NELSON. Mr. President, does the Senator from Connecticut have a list of the agencies that were involved in this matter?

Mr. RIBICOFF. Mr. President, we have the list of agencies as it appeared in the press. We shall inquire of General Motors Corp. whether there are any agencies which did not appear in the list published in the newspaper.

Mr. NELSON. I am not a member of that committee, but I have some very strong viewpoints about what has been involved here.

Mr. President, the General Motors Corp., one of the leading business corporations in the world, has now admitted that the investigation of Ralph Nader, which has attracted widespread attention, was instigated by General Motors.

The New York Times, New Republic magazine, and much of the Nation's press had reported this shocking situation over the last few days without knowing who was behind it.

Mr. Nader became the target for this investigation by writing a book criticizing a number of automobile design features which he contended were unsafe, and by testifying before a Senate subcommittee studying auto safety on February 10. The Senate has heard of the fantastic cloak-and-dagger episodes which resulted.

Mr. Nader was harassed by anonymous telephone calls as he worked in his Washington hotel room, preparing his Senate committee testimony. He was shadowed right into the Senate Office Building by two private investigators who were so brazen as to tell a Capitol policeman that they had been following Mr. Nader around the country. His landlady has been quizzed as to his record of rent payment. His stockbroker, his editor, and business associates have been questioned.

An attorney to whom he dedicated his book has been questioned at great length by a private detective who was making lurid inferences about his private life. This investigator used all the tricks of his seamy trade—a fake reason for the interview, two different phony names, apparently even a recording device in an attaché case.

On February 20, Nader was approached by a woman in a Washington drugstore who asked him to come to a meeting with her that night to discuss foreign affairs. On February 23, he was approached by another woman in a grocery store who asked him to come to her apartment and help her move furniture.

General Motors issued a brief, carefully worded statement last night in which it admitted conducting an investigation of Mr. Nader. General Motors states that its investigation was limited to Mr. Nader's qualifications, background, expertise and association with attorneys who represent persons suing General Motors for alleged automobile design faults.



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The General Motors release also includes this skillfully worded sentence:

If Mr. Nader has been subjected to any of the incidents and harassment mentioned by him in newspaper stories, such incidents were in no way associated with General Motors' legitimate investigation of his interest in pending litigation.

Who can quarrel with that statement? Of course the scandalous incidents related above were not associated with any legitimate investigation. Rather, it seems quite obvious that they were part of a fantastic conspiracy of intimidation and harassment spread over half a dozen States and carrying right into the U.S. Senate.

This was a carefully planned, well-financed scheme whose purpose could only be intimidation or smear.

If, as the General Motors release seems to say in its careful language, General Motors was responsible for part of this but not all of it, then we obviously must find out exactly what General Motors did do and what General Motors did not do.

As of right now, I think the circumstantial evidence is quite compelling. Knowing that these episodes did happen, involving a number of different people, and knowing that General Motors did order an investigation of Mr. Nader's qualifications, background, expertise, and associations, the implication is compelling that General Motors was responsible for much of the sordid developments which the press has outlined.

This raises grave and serious questions of national significance. What are we coming to if a great and powerful corporation will engage in such unethical and scandalous activity in an effort to discredit a citizen who is a witness before a congressional committee?

If great corporations can engage in this kind of intimidation, it is an assault upon freedom in America. No average citizen can face up to a corporation the size of General Motors which sets out to destroy him.

How could a responsible corporation deal with a critic such as Mr. Nader?

One of Mr. Nader's contentions is that the rear axle of the Corvair automobile manufactured in 1960 through 1963 was designed in such a way that the outside wheel tended to "tuck under" on turns. Mr. Nader states that the Corvair rear axle was redesigned for the 1964 model year to correct this alleged defect.

Another of his contentions is that the 1953 Buick Roadmaster, manufactured by GM, employed a power brake system which was inclined to fail. Mr. Nader supports this contention with testimony from a garage mechanic employed by a Ferndale, Mich., Buick dealer, during a lawsuit in the Wayne County Circuit Court. This mechanic testified that he had received a number of complaints about power brake failure on 1953 Buicks, but that the Buick service department treated this as a hush thing. They do not want the public to know the brakes were bad.

I do not blame General Motors for being alarmed at such charges by Mr.

Nader. It certainly is possible that they could reflect on the company.

However, there are a number of ways in which a firm could deal with this problem. First of all, they could refute his arguments. Certainly this gigantic corporation, staffed with brilliant automobile engineers and highly paid experts in the field of publicity are quite capable of coping with a humble critic such as Ralph Nader.

If it should develop that his charges are correct and cannot be refuted, then the company could explain its error and the corrective steps it has taken to guarantee that such mistakes would not happen again.

These would be perfectly legitimate actions in the public interest.

However, to react to charges such as Mr. Nader has made by financing a secret investigation of him raises very serious questions. How many people, possessing information which they believe would be in the public interest but which was counter to the interests of a large corporation, would dare disclose this information to the public or to a Senate or House committee if they knew they might face the retaliation which Mr. Nader has experienced?

If, as General Motors says, this is a well-known and accepted practice, are other witnesses who testify before our committees being shadowed and investigated at this very moment?

Obviously, Congress must learn exactly what did happen in the Nader case in order to protect the sanctity of the congressional hearing process and in order to protect the right of American citizens to speak out without fear of massive retaliation by a powerful corporation.

The subcommittee which took Mr. Nader's testimony should conduct a thorough investigation into this situation—and, knowing the Senator from Connecticut as I do, I am sure that it will.

General Motors and its law firm, Alvord & Alvord in Washington, should volunteer to testify under oath.

The committee should be given the names of those who took part in the investigation, and the names of the private detective agencies which were hired to do the work and bring them before the committee.

General Motors describes this as a "routine" investigation. I think it was a shocking scandal. It seriously reflects on the honor and civic responsibility of one of the world's largest corporations. That corporation should not rest until all the facts are made known to the Congress and the American people.

Mr. KENNEDY of New York. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. KENNEDY of New York. Mr. President, I notice the statement:

It is a well-known and accepted practice in the legal profession to investigate claims and persons making claims in the product liability field, such as the pending Corvair design cases.

Was there any evidence before our committee that Mr. Nader was an individual who was making a claim or representing persons making claims?

Mr. RIBICOFF. There was not. To my knowledge, from the information we had at the time of Mr. Nader's appearance and up to the present time, we have no evidence that Mr. Nader represents plaintiffs with liability claims against General Motors Corp.

Mr. KENNEDY of New York. Mr. President, were some questions raised in connections with the Corvair automobile?

Mr. RIBICOFF. I would say that not too much information has come out concerning the Corvair automobile. We naturally were aware of the controversy over the Corvair automobile. However, it was my feeling at the time that since the Corvair automobile was in controversy and there were cases pending in various courts, including a case in California at that time, I did not feel that the subcommittee hearings should in any way interfere with the case.

Mr. KENNEDY of New York. Mr. President, it appears to me from the statement of the General Motors Corp. that anybody in the United States critical of Corvair, whether in direct litigation or not, is subject to investigation by the General Motors Corp.

Mr. RIBICOFF. Well, I should say that it is a peculiar statement, to say the least. But as the chairman who will preside over these hearings, I should not like to be in a position of prejudging any of the parties, so I prefer not to make any statement by which it could be inferred that I was trying to prejudice any of the parties to this hearing.

The hearing will be fair and open to both parties, to make whatever statements they wish and be subject to questioning by any members.

Mr. KENNEDY of New York. I am delighted to hear that, and I am pleased that the chairman is going ahead with it.

I should also like to request that the General Motors Corp.—and I expect the committee is bringing in the president of General Motors?

Mr. RIBICOFF. The telegram is being directed to the president of General Motors, and the statement includes an invitation to the president of General Motors personally.

Mr. KENNEDY of New York. Yes. Could we also request that he bring all of his records in connection with this agency?

Mr. RIBICOFF. That request will be made concerning the records of the detective agency and the investigation.

Mr. KENNEDY of New York. Could we also have the detective agency bring all its records in connection with this matter?

Mr. RIBICOFF. I think the request is a proper one, and that request will be made of the detective agency.

Mr. KENNEDY of New York. Could we also ask General Motors Corp. to have available in the room any individuals from General Motors who have detailed knowledge about these transactions with the detective agency?

Mr. RIBICOFF. The request will be relayed to the President of General Motors.

# Appendix

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## Col. Waldron E. Leonard, Outstanding Friend of the Veteran, Retires After 20 Years

### EXTENSION OF REMARKS

OF

### HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES  
Thursday, March 10, 1966

Mr. YARBOROUGH. Mr. President, the retirement of Col. Waldron E. Leonard after 20 years of service as the Director of the Department of Veterans' Affairs of the District of Columbia is regretful. This man has served veterans of this area faithfully, efficiently, and knowledgeable for the last 20 years, but the retirement of Colonel Leonard will leave as much an absence of his personality, as of his good work.

Colonel Leonard was the kind of man who you would pick to be a veterans' representative. He was aware of the veterans' problems, knew the way to solve them, and kept abreast of every happening in the field. The main solace to those of us who worked so long with Colonel Leonard is that, although he supposedly "retired" at the end of last year, he has been just as much a working part of veterans matters this year as he was before his so-called retirement. This is the kind of man he is—a man concerned with other people and a man of energetic spirit that reflects in an ever willingness to help wherever he can.

As a tribute to Colonel Leonard, I ask unanimous consent that the editorial from the Stars and Stripes of Thursday, January 13, 1966, be printed in the Appendix to the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### CAPITAL'S OUTSTANDING VETERAN RETIRES

It has often been said that the retirement of some outstanding man marks the end of an era in his particular field. Many times this is true. But occasionally an unusual kind of outstanding man, while bringing the unmistakable stamp and character of his personality, style, and uniquely individual qualifications to his job, brings also a far-sighted realization and understanding of the need to build soundly for the future. This would insure the continuance of his work and service and help to meet the challenging demands of an on-going present. This assurance of continuity for the future of the activities he began and carried forward so well is the mark of this kind of unusual outstanding man. His going does not mark an end because he has insured a future.

To his great credit and the continuing benefit of our American veterans in the District of Columbia, Col. Waldron E. Leonard has been this kind of outstanding veterans man for the 20 years he has devotedly and imaginatively served as director, Department of Veterans' Affairs of the District of Columbia government.

To believe that he will not be sincerely missed in his accustomed haunts, that his retirement will go unremarked or will not take some of the individuality, color, interest, and human warmth which his longtime sympathetic and humane qualities brought to every veteran's problem which touched their lives, their interests, and the welfare of their loved ones, would be both unrealistic and untrue.

The range and scope of Colonel Leonard's activities in the Capital City he loves and so faithfully served is a roster of every major civic group. Thirteen District of Columbia patriotic and religious organizations are more effective and colorful by reason of his membership, interest, and unflagging energies. These he will continue to serve. He will be missed as the chairman for many years, of the Constitution Day and Citizenship Day programs and in many other community observances.

For every District, Maryland, and Virginia veteran and his dependent in need of help, comfort, kindness, or information the colonel's office has long been a haven of hope, reassurance, and compassionate human understanding. The recognition and tribute accorded Colonel Leonard through the years have been many, varied, and important, but his 15 years as president of the Metropolitan Area Council of Veterans Organizations representing 22 major veterans' groups of the District, Maryland, and Virginia; his personal representation of the Board of District of Columbia Commissioners in all matters pertaining to veterans and patriotic affairs and his chairmanships of veterans participation in four presidential inaugurations give clearest testimony of his ability and accomplishments.

Dearest to his heart, however, has been his association from its inception, which he has had with the activities of the Washington, D.C., USO and the realization of his dream for a new veterans hospital in the District.

Colonel Leonard's hopes and interest in maintaining the highest quality service to veterans is demonstrated by his desire that those who succeed him be the best qualified men available. He has been insistent that his successor continue present services but be capable of bringing new ideas, renewed dedication, and personal concern to the problems of the veterans of Vietnam and to the continuing mission he has established for the Department of Veterans' Affairs in the District of Columbia.

That Colonel Leonard in his many years of service has established a standard that is hard to match and has lived up to his standard in matchless fashion is best epitomized in the words he once received in Christmas greeting. "To whom can one turn at midnight or 4 a.m. for a veteran in critical distress, as I have done, except to Colonel Leonard and get results. May God bless you."

We of the Stars and Stripes the National Tribune, can think of no more deserved and meaningful accolade to add to a career of single-minded devotion and service than these words. May you enjoy a long happy and active "retirement" from public office \* \* \* we know you will never "retire" from your interest and service to our Capital City, its civic activities and its veterans. Like the old Roman, Cincinnatus, you will continue in your love of country and your fellow man to work in peace or war for their betterment and welfare.

## Comments From Washington by Congressman Clark W. Thompson

### EXTENSION OF REMARKS

OF

### HON. JOHN R. HANSEN

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1966

Mr. HANSEN of Iowa. Mr. Speaker, Congressman CLARK THOMPSON, of Texas, is a very conscientious Representative. His efforts to keep his constituents informed are untiring.

In his recent newsletter, Congressman THOMPSON, an ex-marine, wrote of his visit with marine Gen. Lew Walt at the monthly meeting of the Capitol Hill Marines. The two marine members of my staff, Harry Sullivan and Mark Servoss, who faithfully attend these meetings, also spoke very highly of General Walt and his analysis of the situation in Vietnam.

With the marines at this very moment inflicting extremely high casualties on the Vietcong in their most recent campaign, General Walt's statements are most timely.

For the benefit of my colleagues, therefore, I introduce Congressman THOMPSON's fine newsletter into the Record. This particular letter is typical of the quality of the material with which the Congressman keeps his constituents informed:

#### COMMENTS FROM WASHINGTON BY CONGRESSMAN CLARK W. THOMPSON

DEAR NEIGHBORS: Once a month, former marines who are now Members of Congress or otherwise officially on Capitol Hill get together for breakfast. We invite the Commandant of the Marine Corps and other prominent marines to come and talk to us off the record about the military situation.

The Marine Corps never gets out of your blood once it gets in, and this process of rubbing elbows once a month with the active service keeps us informed and keeps us feeling that we are a part of the old corps.

In keeping with this monthly schedule, this past week we sat down around the table so to speak and listened to Gen. Lew Walt, who is in command of the Marines in Vietnam, tell the story of what is going on and what the future holds. Ordinarily what is said at these meetings is off the record, but this time it was not, and so I violate no confidence whatever in telling you what I learned from the general.

First, he told us something of the underlying troubles in that unhappy Vietnam country. I remember long ago, I guess maybe 15 years, my pastor asked me to occupy his pulpit one memorable Sunday and to talk to the congregation on any subject of my choosing. I chose the Communist menace, which I had been studying carefully and with deep concern. I told how in those days the Communists infiltrated an unsuspecting country—how they first would gain control of small political units such as cities and towns. They would do it by getting control first of the mayor or whoever the

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ending, negotiate with them; then they would seize the police department so that there was no law and order and no justice except that which the Communists chose to mete out; then they would take over schools, eliminating them at first and much later filling them with teachers who would teach only the Communist doctrine. At about the same time, they would destroy all churches.

That has been the pattern for many years, and that is the pattern in South Vietnam today. Human life is expendable. Natives who resist the Communist infiltrators are killed without compunction and are probably better off if it happens quickly rather than after torture. This phase of the Communist operation is carried on by guerrillas. They are followed by more formal military units from North Vietnam.

As our troops move into an area, they first of all, after driving the guerrillas out, restore the former government or set up a new one composed of the non-Communist Vietnamese. Our troops provide the necessary security for a considerable time if necessary until the local people are ready to protect themselves. Meanwhile, we conduct military operations against the North Vietnamese and/or whoever else may be fighting beside them.

Up to now, General Walt told us there is no evidence of any Chinese troops. That is the picture in that unhappy land; and if we are driven out either by force or by the demands of a certain element here in this country, we are going to have to do the same job somewhere else at a later date.

I came away from that breakfast meeting convinced that we are right to fight it out where we are. Incidentally, there was no question in my mind, after listening to him, that General Walt thinks that we are winning and that our progress is good.

Sincerely yours,

CLARK W. THOMPSON

## Alabama TV Station Wins Award

## EXTENSION OF REMARKS

OF

## HON. JOHN SPARKMAN

OF ALABAMA

IN THE SENATE OF THE UNITED STATES

Thursday, March 10, 1966

Mr. SPARKMAN. Mr. President, a significant honor has been bestowed upon Taft Broadcasting Co., which operates station WBRC-TV in Birmingham, Ala. The company has received a Freedoms Foundation Award for outstanding achievement in bringing about a better understanding of the American way of life.

I ask unanimous consent that two documents about the award be printed in the Record following my remarks. One is a Taft Broadcasting Co. release dated February 21, 1966. The other is an item from Broadcasting magazine dated February 21, 1966.

There being no objection, the articles were ordered to be printed in the Record, as follows:

TAFT BROADCASTING CO. SERIES WINS MAJOR FREEDOMS FOUNDATION AWARD

LOS ANGELES, February 21.—The Taft Broadcasting Co., Cincinnati, Ohio, will receive at the patriots' ball tomorrow from Freedoms Foundation at Valley Forge, Pa., an encased George Washington Honor Medal for outstanding achievement in bringing about a better understanding of the American way of life.

The encased medal, one of the highest awards in the general Americana category, is being presented for the five-part television

series, "Rights and Responsibilities," conceived by Robert T. Schlunkert, vice president and general manager of WBRC-TV, the Taft television station in Birmingham, Ala.

The award also cites the contributions of Dr. Billy Graham, Bob Considine, Pat Boone, and Art Linkletter, who appeared in the series. The award is the only Freedoms Foundation presentation to be made at the patriots' ball in the Beverly Hilton Hotel here.

It will be received by Lawrence H. Rogers II, president of the Taft firm, and presented by Don Belding, cofounder and chairman of the Freedoms Foundation executive committee.

WBRC-TV is also receiving, for the fifth time, a regional award for its annual Fourth of July celebration television broadcast, a patriotic program aired each Independence Day. This presentation will be made at a later date.

In the "Rights and Responsibilities" series, Dr. Graham discusses freedom of religion; Mr. Boone, background to the first amendment and the rights of assembly and petition; Mr. Considine covers the communications media in freedom of the press; and Mr. Linkletter addresses himself to freedom of speech.

The first programs are based on the first amendment. In addition to being carried on the Taft stations, "Rights and Responsibilities" was made available at no cost to all radio and television stations in the country, both commercial and educational as well as civic, educational, religious, and patriotic organizations.

The Freedoms Foundation awards jury was composed of 36 persons, one-third of them chief justices or associate justices from individual State supreme courts, and national heads of patriotic, veterans, and service organizations.

With Mr. Rogers at the presentation here will be Mr. Schlunkert and Roger B. Read, administrative vice president of Taft Broadcasting, and Charles R. Vanda, Beverly Hills, producer of the series.

Messrs. Boone, Considine, and Linkletter are expected to be present. Dr. Graham is unable to attend.

In addition to Birmingham, the Taft Broadcasting stations are located in Cincinnati, Columbus, Ohio; Kansas City, Mo.; Buffalo, N.Y.; Lexington, Ky.; and Scranton/Wilkes-Barre, Pa.

[From Broadcasting magazine, Feb. 21, 1966]

## TAFT WINS FREEDOMS MEDAL

Top television award in the broad General Americana category of Freedoms Foundation, Valley Forge, Pa., will go this year to Taft Broadcasting Co., Cincinnati, Ohio, for "outstanding achievement in bringing about a better understanding of the American way of life." A complete list of the Freedom Foundation awards will be announced this week. For the five-part television series "Rights and Responsibilities," Lawrence H. Rogers II, president of Taft, will receive an encased George Washington Honor Medal at the Patriots Ball in Los Angeles today (Feb. 21). The series was conceived by Robert T. Schlunkert, vice president and general manager of WBRC-TV, Birmingham, Ala.

Publisher Carl Estes of Longview, Tex.

## EXTENSION OF REMARKS

OF

## HON. LINDLEY BECKWORTH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1966

Mr. BECKWORTH. Mr. Speaker, I include an article that appeared recently

in the Dallas News concerning a truly great man and a truly great publisher, Carl Estes of Longview, Tex.

LONGVIEW PUBLISHER HONORED BY MAGAZINE

LONGVIEW, Tex.—Newspaper publisher Carl Estes of Longview, who is widely known for his leadership in east Texas industrial development, has been named Man of the Month by East Texas magazine.

The official publication of the East Texas Chamber of Commerce, in its February issue, notes that Estes will always be found "where the action is, and if there doesn't seem to be enough action to suit him, he is sure to create some."

His name, the magazine states, is synonymous with east Texas industrial development, and adds that he has been called "Mr. East Texas" by the Dallas News.

Estes spearheaded campaigns that brought to the region R. G. LeTourneau, Inc., LeTourneau Institute, Lone Star Steel, Texas Eastman Co., Bell & Gossett Co., Reister Hat Co., Pittsburgh Screw & Bolt Corp., Knox Lee Power Plant and Trailmobile, among others, the magazine declared.

"He carried the ball in getting a new \$500,000 union station, a new \$350,000 post office, a four-lane highway between Longview and Gladewater, a \$1 million county hospital, a new highway from Longview to Carthage, as well as a four-lane divided highway between Longview and Hallsville," it pointed out.

Not restricting his efforts to the Longview area alone, it added, he worked for a highway from Hughes Springs to the Lone Star plant, and was spokesman in Washington for 15 towns in the steel plant area in obtaining relaxed curbs on building for the area. This resulted in construction of hundreds of homes for the region.

One of his activities of which he is proud was his work in the Connally Act campaign, which insured orderly production of oil, and which saved the east Texas field and the Texas oil industry from the "hot oil crowd," the publication reports.

Estes, who is publisher of the Longview Daily News and the Longview Morning Journal, has placed his editors in the spotlight when his newspapers received various honors, "and he has been quick to recognize and reward his teammates for a job well done," it states.

Estes is a veteran of two world wars—he was in the Army in World War I and was a naval commander in the Pacific theater during World War II, where he won the bronze star and other citations. He is a member of numerous civic and journalism organizations.

The publisher and his wife, whose maiden name was Margaret Virginia McLeod, live on a ranch south of Longview where they raise Santa Gertrudis cattle.

## Demonstration Cities

## EXTENSION OF REMARKS

OF

## HON. PAUL A. FINO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 10, 1966

Mr. FINO. Mr. Speaker, I would like to bring to the attention of the Members of this House a very penetrating analysis of the administration's "demonstration cities" and other urban development programs. It is an analysis of administration programs put out by Prentiss-Hall Inc., an honored firm of undoubted non-partisan nature. I believe that the Prentiss-Hall analysis is very enlightening. I wish every Member of this House